G. R. S. IX-5]

Previous references. 1897-8

191.

(L: 2)

File No. 101

Serial Nos. 1-37

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 37

Part B for September 1899

SUBJECT.

Dispute regarding the sale of certain lands belonging to Mr. John Smith in the Pilo Peramahiei Village, Tarikere Taluk.

Indexed

W D 1250—GPL—30,000 - 23-1-19

Cancelled

Petn no 227/1 dated 5.3.98
RD 7.30 Am.
18.3.98.

Call re-petitioner
record evidence
Government
counter-affidavit

21.3.98

22/3/98.

22.3.98

W. S. No 60
18-4-98
Rejection

REVENUE DEPOSIT
GLASGOW
APR 05
1898
DEWAN'S OFFICE
From

1203

The Deputy Commissioner
Kadur District

To
The Secretary to Govt
General and Revenue Dept

Dated 5th April 98.
Despatched 14
Received Camp, Kallahalli
General No. 671
No.

Enclosure No. 1 as stated

Reporting on the petition of Mr Edward Bindley Evans (by George Johnson and B. Gururaja Iyengar, Advocates) praying for general, inadequate, affording against the order of the Deputy Commr, cancelling the sale of Seemeru number of villages, Kalkere Salai, belonging to Mr Joseph Lyall, for arrears of revenue.

Rec 16/4/98

The arrears amounted to Rs 879-1-9 on 27/10/97. The details stand thus

	Rs as p
Arrears for 1894-95	107-15-6
1895-96	311-5-11
1896-97	311-5-11
Assessment for 1897-98 on unsold land	40-4-11
Back assessment on unsold land	66-15-0
Total (exclusive of cesses)	837-12-6
Notice fee	0-4-0
Interest up to 1st May 1897	41-1-3
Total	879-1-9

The Lands were declared forfeited on 27/10/97 & the Sale proclamation (was finished on the same day, was finished on 17/11/97 fixed for the date of Sale 18/12/97 (Serial No 10/3)

Several notices & demand were served on Mr Lyall whose remark on the notice was that he has written for money & will pay (Serial No 13 & 11/5). The formalities relating to the sale were scrupulously followed

The payment of Rs 589-15-10 was on account of sums which were accordingly not sold

As the arrears at the date of Sale

Rec 16/4 Sub 19/4/98 MG

3

Camp, Kamakatti
Dated 5th April 98

From

The Collector, Canara District
Karwar District

To

The Secretary to Government
General and Revenue Department

Sir,

In reply to Government order
No. 1205 dated 22nd ultimo, forwarding
for report petition of Mr. Govind
Bandya Nayak (by pleader Subbarao
and B. Ramachandra Rao) praying
at present, suspend, enforcing
against the ryots of the Bailhongal Com-
-missariat, recovering the sale of 8
Devadasi inams of Kittur Desai
village in the Belgaum District, belong-
-ing to his late wife, for arrears
of peishcush, I have the honour to report
as follows:-

2. [illegible] Bailhongal [illegible]
Devadasi Inam of Kittur Desai [illegible]
Belgaum District to Government till
the end of January 98, being arrears

4

Kadir Bg Comr's 67/5 14/4/98

had increased by Rs 902 (on account of interest), the balance was about 312 Rs While the Sales of the other 85 nos realised Rs 448. One of Mr Weir's objections was that 5 nos 26 which realised Rs 130 should not have been sold as the other 7 nos realised the balance outstanding but the present Bg Comr's point that this could not have been foreseen till the completion of sale but from the order in wh the lands were sold it appears that the amounts need not have sold 12, 13, 14 & 21 wh were the last to be sold & wh realised in all Rs 122 or 137. +15

The conduct of Mr Lyth throughout has been fair & straightforward & he has failed to profit by the

Concerdin shown by the Dy Comr
in extending the time of
payment to 30th March.

Rec'd 5 2nd Councillor

MJ 22/4/98

Rob 6.50pm.
22.4.98.

Let the cause be
heard before me
in due course.

MJ
23.4.98

Rec'd 5 2nd Councillor for
orders as to whether in this case
notice should issue to Mr Gunn Rae
(the purchaser) or to Mr Arbuthnot
the attorney of Mr Evans. Mr Arbuthnot
has not produced the power of
attorney. Notice will of course
be issued to Mr Gunn Rae

MJ 11/5/98

Rob 7pm.
11.5.98.

Rather worried
over it all round
with them to-morrow
morn.

MJ
16.5.98

Mr Gillen's information should be obtained in this matter

Did Mr Sykes appear before the Deputy Court & offer to pay the five hundred ~~£~~ & agree to pay the balance before the 31st March? Did he file any written application, what was the reason given by him for the delay & directed to take another agreement from Mr Sykes to pay the balance on the 31st March. See the original record in the case & must be written up

Did Mr Sykes or any one on his account send a cheque for £900 or is the statement of Mr Sykes that he sent a cheque for £900 ~~& was~~ unfounded by facts. What is the explanation

of Mr Sykes Andrews
friend and was [illegible]

3. When Mr Saunders
heard Sood added to
on account of Mr
Evans did he file
a sudden application?
On what expressions
did he pay the money
all the sudden regarding any
on the points must
be sent up.

4. Was it unnecessary after
the receipt of the telegram
from the D.C. Sonmiani directing
the Asst Collector the sale
under certain conds that
money was received from
Mr Saunders? Was Mr Saun
not informed of the telegram
before the Auction proceeded
with the sale? Full information
on the point must be supplied -

6. As Mr Saunders did not pay
up the whole amount under Sec 175
of the new Code what authority had
the Asst Collector [illegible] the sale of
Survey Nos 15 & 22. Had the amount
against these numbers been separately
ascertained - What is the practice
in regard to the Distt in such a case
of several survey numbers being put
up for sale, and the sale of some of
them being stayed on the payment

3)

of a part of the case
The authority in
support of the practice
must be quoted.

The record will
be sent back with
Dep Com's order
relevant hereto
-mitted on the above
points within a month from
date of receipt of this order.

25.6.98

To Rajadharmabhivamsa
T. N. A. Mahathera
C 5/2

I agree with the position
as set by the collector
in. That is I consider
in the absence of the
appeal a substantial

26.6.98

Ag 28/6/98

Publish this order in Govt
Gazette at once

Ag 28/6/98

REVENUE DEPARTMENT
Gl. No. 655
DEWAN'S OFFICE

From

The Deputy Commissioner
of Cadur Division

To

The Secretary to Govt
General and Revenue Depts

Dated 21st
Despatched 24th July 1898
Received Camp Chikmagalur
General No. 36
No.

Enclosure No. 8 English & vern Records

Reporting on several points, raised in G.O. No 2 dated 30th June 1898, regarding the arrears of Kandayam due by the late Jotedar of Hosahalli Estate, Tarikere Taluk.

Mr Lyall's statement as to what appears to have been the main object contemplated by the framers of the Rules of 1st June 1894 was not drawn attention to, as appears the conduct of future proceedings was left entirely to the discretion of the Collector.

Mr Lyall's statement as to what appears to have been the main object contemplated by the framers of the Rules of 1st June 1894 was not drawn attention to, as appears the conduct of future proceedings was left entirely to the discretion of the Collector.

Rec'd 27/7

AK 28/7/98

Rep= put up
for Mr Jno 1st

28/7/98

Rec'd
26/7/98

Mr Lyall
(2)

Mr Connell

The D. Comm'r was requested to submit this report within a month & has accordingly done so.

Cases belonging to the Western Dr. have been posted to the 5th Sept.

Instructions solicited whether a nearer date is necessary in these cases. 9th August - the date for hearing S. Dr. cases - seems too early to some suits.

30/7/98

117

Bank Holidays.
Dated 21st July 1898.

I.

F. O. Civil Service
Department Commissioners—
Hatton Garden.

T.

The Secretary to Government
Naval and Military Departments.

Sir,

With reference to Government
Memorandum No. 12460 dated 30th June 98,
folio 1535
I have the honour to point as follows:—

2. (a) The Bank Holidays Act applies
only to Public Commercial Offices—
that is to say Offices
the sole and principal object of
the business carried on at which is
some one until such as that
term is defined to mean Offices.

(b) The Bank Holidays Act applies
only to Public Offices in which the
usual

(13) 1898

REVENUE DEPARTMENT
Gl. No. 2046
SEP 16 1898
SENAN'S OFFICE

From
J. C. Carr Esq
Deputy Commissioner
Kaduna District

To
The Secretary to Government
Fed. & Res. Departments.

Dated 9th
Despatched 12th September
Received
General No. 1141 1898-99.
No.

Enclosure No. 1 Final Records.

Reporting further in connection with the petition of Dijeni & Inuwa Sons of Sama Ran re the cancellation of the sale of certain lands belonging to late Mr Sykes.

Petition to
16/9/98

Subject to 2nd Commissr (3)

The respondent Mr Sykes is reported to be dead. The Deputy suggests confirmation of Mr Weir's order & cancellation of Mr Sykes' lands as the arrears have not been paid up by the late Mr Sykes' agent & by Mr Sykes

24/9/98

R² 7.00
21-9-98

Submit. Has the 1st commissioner the despatches drawn by Mr Evans upon a his contractor referred to & the numbers thereof & amount noted.

22.9.98

24-9-98

This is not clear. Does the Deputy mean that the drafts drawn by Evans were cashed?

Subject to 2nd Commissr 1921

Mr Sykes is dead who is his legal representative has not been ascertained. The amount claimed can as in 1917 be settled upon a final statement as proposed. C.S. 25/9/98

25/9/98

Read 1/9/99. Repeat to Mr Sykes

Subd

Mly

Mly 27/9/98

Mly 24/9/98

Mly

Copies to Accountant Res/Dra. & also the Deputy Commissioner

Mly 27/9/98

Lichinagudem, 2nd September, 1908.

From -

F. C. Cave, Esq.

Deputy Commissioner,

Kadur District.

To

The Secretary to Government

Genl. & Rev. Department.

Sir,

With reference to Government Order No. 336 / Pet 102 dated 5th August 1908, calling for further report in connection with the petition of appeal of Sahib Sheik & Sami Rao regarding the cancellation of the sale of certain lands belonging to Sahib Sylk, I have the honor to report as follows:-

(1) As required by Government Order, two communications were sent to Sahib Sylk requiring him to state what objection he had to the sale being confirmed, he having failed to pay the balance by the 15th of

13

(15)

INDIA OFFICE
GL. No. 2670
15 OCT 1898
1898

From The Deputy Commissioner Padam District

To The Secretary to Govt of General and Revenue Deptt

Dated 10th

Despatched 12th October

Received

General No. 209
No.

Enclosure No. 2 Records

Reporting that Mr. C. Lyall, the brother of the late Mr. J. Lyall, is probably the nearest relative of the deceased and is named to be ascertained by whom the cheque was drawn

(1)

Sub Asst Commissioner

Mly 31/10/98

10076

The Jemadar says that he thinks it probable that Mr. C. Lyall the brother of the deceased is the Lyall referred to. There is no Christian Lyall in Padam & there is no one of that name in Padam & the vicinity. All the Europeans have been ascertained & the Jemadar reports that Captain Lyall is the only European in Padam & vicinity & he is probably the person referred to in the enclosure of the information rep. from Jemadar Tamlath & enclosed

31 copies

Draft
14/11/98

Draft
Mly 14/11/98

Rec'd 7-1

Rec'd 17/10. Ref- pateep.

18/10/98

Sub'd

Mly 19.10.98

14

Sub Commissioner's Office
Kadur District
Date of Camp Kadur
the 6th October 18

From
P. C. G. Carr Esqr
Sub Commissioner
Kadur District

To
The Secretary to Government
of Mysore Bangalore —

Sir

I have the honor to report for
H.S.
D 202 Order 28th ultimo call-
ing for further report in
connection with the tribunal of
Sooba Lewis and Seeva Rao
appointed to enquire into the
Complaints preferred by Sub
Collector Lewis against the
late Asst Commr Sylk, I have
the honor to submit the follow-
ing further report. —

62-34 378 containing the
copies of last ept.

AK
5/12/98.

Subd 61st Comalla

Mlg
6/12/98

Hy 6/12/98

10247

We have the honour to return herewith the draft reply, in appl. from a copy has been made for Captain Upham, Chief Engineer of the Jarra by Messrs Cotter & Co. Ceylon and Messrs Dawson & Co Colombo, for the minutes entered on my note No. 10076. In the case has not yet been made under the Act, a copy of the draft, is appl.

AK
6/12/98

Subd 61st Comalla

1) Draft sent for approval with ref to secs 365 & 582 of Comt. Act

2) Please see the late Mr Lyttle's letter of 11/6/98 (Sec 9 open file) He states that he did not pay any money at all from the Records also that he can recall the money paid by Messrs Dawson & Co Cash & bills. I had entered to Mr Lyttle but was reminded with this unfit letter

Rec'd 5/12

REVENUE
61 No. 3544
98 - 08
Rec'd 22 DEC 1898.
From

15 (17)

Chief Deputy Commissioner
Kadavu Dist.

To The Secretary to Govt,
Special & Rec. Depts.

Dated 1st

Despatched 12th December

Received

General No. 276. 1898-9.
No.

Enclosure No. 1

With reference to the accompanying docket, G. S. - 1st No. 84 of 98, dated 5th ultimo, calling for further information in connection with the prosecution of the late Mr. J. Lyttle, has the honour to forward for the information of Government, a copy of Mr. Lyttle's letter dated 5th idem, giving the required details.-

Deputy Commissioner
Kadavu Dist.

Rec'd 5/12

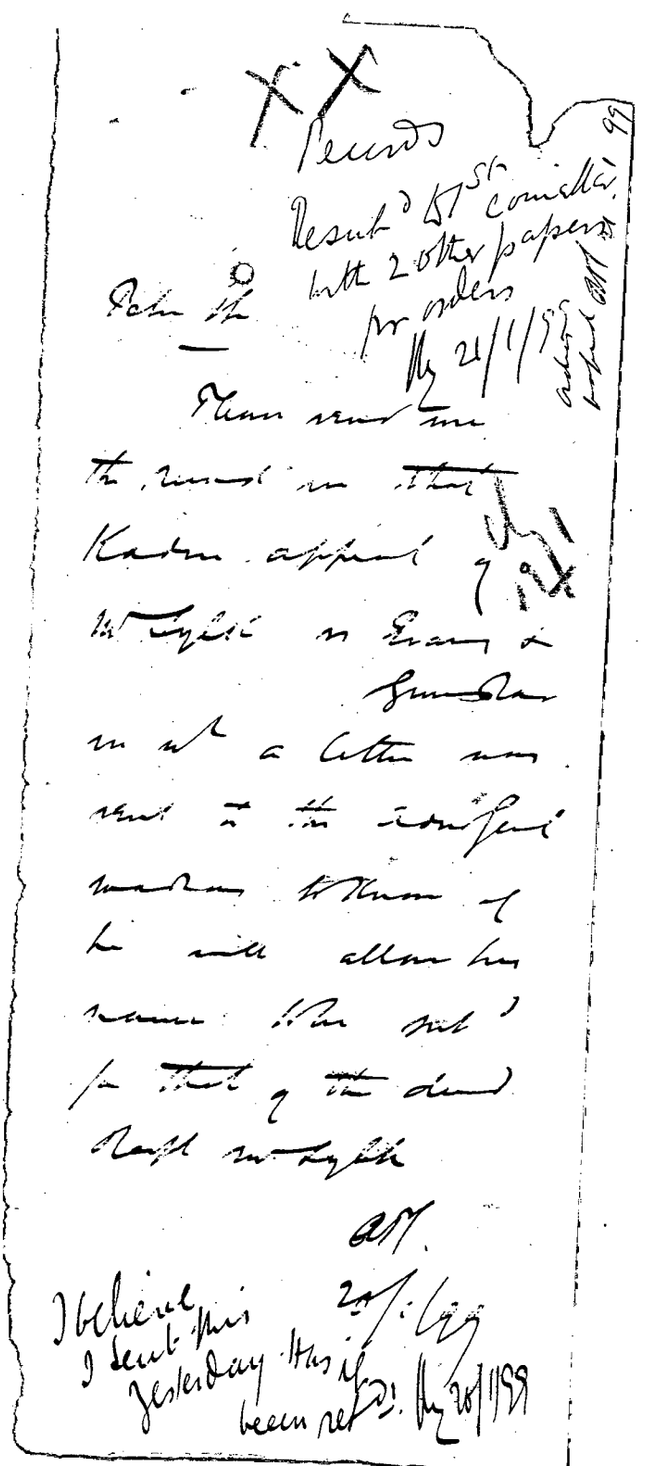
omitted by mistake. As the V Reports have not been returned by the Secretary, he has been requested to return them.

7/12/98

10266

[illegible]

19



20

Subd 1/St Counsellor

Mr Evans seems to be
Respdt Mr Evans
Custards Champing his representatives
the appeal was pled by Mr Abbotts
argued by Mr Sura Rao & now Mr
Ricketts says Mr Sura Rao has no
nothing to do with the case - May not
Mr Ricketts be requested to produce
the power of attorney? Yes - Certified copy of the power
which may be given to
Mr Ricketts as
requested upon
of the date fixed
by us. also
another letter by
Mr Sura Rao of
the absence &
appeal - either
by us may ask
Mr Ricketts to
show his power
of attorney to

21/1/99

10504-6

Pd.

Forwarded

21-1-99.

Note

In your letter Mr Sura Rao
he may be asked to
intimate his or counsel
with the actual amount
he actually drew on the Cheque dishonoured
Despatch of Rs 589-15-10 for arrears of Rs 112 as deposit
for the M.C. case

dirs not pass on 1987
before that date
21-1-99

21

(24)

Subd to 81 Comm[r]'s

It is now clear that a Cheque for Rs 900 was issued by the Madras Bank in favour of Mr Sam Rao who says he is (the Agent of) Mr Evans & not of Mr Sylk In his letter d 11/6/98 (Sho 9 Gen pte) Mr Sylk says "I proceed to Bhuknagadu & pay into the Govt's pte Rs 500 as arranged & I then learn that Messrs Abbott & Co has already paid in more than the stipulated amount" In his letter d 18/12/97 to the Dy Comm[r] (V Revd) Mr Sylk refers to this payment as if made on his own account. In his letter d 7/1/98 he refers to the altering of the cheque. The fact appears to be that only the sum acknowledged on the mortgage was paid after cashing the cheque

21/1/99

10504-a

Mr.

From The Secretary to the Govt. of Madras

To

The Secretary to the Govt. of Mysore,
Rev. and Gen. Depts.

Dated 13 January 1899

Despatched

Received

General No. 183

No.

Enclosure No.

Expressing that Messrs Barclay Morgan & Co were applicants in favour of Mr S Gurumurthy Rao for Rs 900/-

---

References to be marked.

Pet[n]

Mg 20/1/99

Recd 21/1

32

Appeal No 70 of 1898-99

(1) Letter No 138 of 12/1/99 from the 1st Asst to Registrar forwarding the Advocate General's reply regarding the estate of the late Mr Sybil.

(2) Letter No 185 of 18/1/99 from the Secretary & Treasurer Bank of Madras

(3) Application from Mr Ricketts requesting to be permitted to appear for Mr Evans

= X Y

Put to 2nd Council with the orders of the 1st Council on these 3 papers 23/1/99.

Appeal 27/1/99.

new council

The case to be posted to the next hearing day 20/2/99

21/2/99

IP761

23

Please refer to the
above mentioned
case — in which we opened
Rs. [illegible] current account

Please refer to the
above mentioned
case.

Kindly see the
reply on the margin
of the 2nd Exam
Off

I Yes: (vide havaz, bills, yadis
dt 15/2/98 & 28/2/98 from
the Asst to M/s Gyan Ras)

II 25 pc vide R/C 2 was paid on 18/12/97
the date of sale & the balance seems to
have been paid between 23/12/97 & 5/1/98
on the bills dated the 8 cheques cancelled the sale
III The amount has been returned
to M/s Gyan Ras. The cheque
for the amount (448/-) was sent to M/s
Gyan Ras on 15/2/98 (the order
for the Asst to keep it in deposit
on the Asst's declaration dated 28/2/98, the cheque was cashed
by M/s Gyan Ras on 4/3/98
IV. The sum of Rs 448 is refused
the full amount of purchase
money.
V. Sec 9, 10, 11, 12, 13, 14, 21 & 26

24/2/99

Whether on the
basis furnished at Ex P3
the appellant firm had any
firm for appointment as the
sole selling agent (purchase)
the purchase money, Rs 448/-
was sent by Mr Gyan Ras,
— for an illegal date?

III Is the amount paid
on dispute, or has the
same been returned by
the firm? If not, what
is the specific reason
why it is not returned
to the firm after
deducting the full amount
of purchase money of the
case other than Rs 448/-
as per the appeal?
If not, on the basis

1899

No. 4257

Name of Petitioner R. S. Wood

Father

Native civil asst. Nellore

District Bangalore

Date of Arri 31.7.99

Date of Receipt 2.8.99.

Date of Disposal

No. of Enclosures four.

ABSTRACT

Petr submits that he
is a
ryotwar holding coffee estate
situate in Pillay Beraua-
halley, Tarikere Taluk, the
property of which is subject
to a mortgage to them for Rs
5000; that a sum of Rs 6417
is now due to them including
interest; that without their
knowledge the said estate was
sold by Court for a low sum
of Rs 1850 for arrears of land
cess, to one Evans; that
they have the case in the
Sale of the said estate filed on
behalf of the Govt, and that
are pending disposal upon
Govt; and that the case
is to be heard on the 7th August

2/8/99

Ord. Issue R. stamp accordingly

2/8/99 Supt 5/8/99

(1) The land mortgaged with the petr
under a mortgage is shown
which fetched Rs 130 at
Sale held by the amildar
Were considered that the Sale
of Sy No 26 was uncalled for
under para 5 of Rule XL of
L R Rules but the four points
out that the amildar followed
the rules of S. Nos as given in
the Sale proclt (Sy No 7, Sample)
the Sale proclt has been adjourned
to the 22nd inst. Orders solicited
as to whether notice may be issued
to the petr. They have not-
noticed their interests by getting
their names entered in the Register
of special notices 4/8/99 2/8/99
377-84 of 14/5/92

R 534. 11/8/99 Petr's pet enclosed
[illegible]

Petition received 2/8/99
with application may
be taken into consideration
at the hearing and equitable
orders made thereon
Setting aside the sale
of the estate and the Crown
and to receive proper instructions
the arrears of Rent &c
due if necessary

2/8/99

Before the Government of Mysore.

Appeal No. 7 of 1877-78.

Appellant.	Respondent.
Mr H. B. Evans H. Evans Esq	Mr John Blyth. (deceased) Repd by the Advocate General, Madras.

Dispute regarding the cancellation of the sale of certain lands belonging to Mr John Blyth, held for the recovery of the arrears of revenue due by Mr John Blyth.

List of papers in English

(1) Appeal Petition (2 returns).
(2) Official Memorandum
(3) Deputy Commr's report.

Notice to 13th June
Mb to 1st Councillor
for perusal
26/5/78

9024

11620

P.J.O. - John Blyth

99

Reposted for hearing on 3rd July 1899.

Has the notice
of 1st - 3rd/6
been given to
the Advocate?

Has an Affd
been sent to
Messrs Little
& Co. 850 Pg in all
Cant

[illegible]

28/6/99

Result

1) Yes, vide Administrator-General's letter of 10/5/99

2) Yes in this office letter of 6/5/99

These 2 letters were placed below the file by oversight
but have now been placed in their proper place

[illegible] 30/6/99. 11 am

[illegible]
30/6/99

Mr Lamont for appt. Hollis &c.
Mr Leech for claimants moves as in
Mot No

In accordance with the prin filed
by both appts & respt the Court directs that
the appt be dismissed — Then order be
as asked on Mot. — As the appt
is dismissed and the order of the 27th June
confirmed appellants pay the costs of the appeal
in so far as the petn pursued & the cross

[illegible]
22.8.99

29

Reg[r]'s file Court proceedings

Applicant
H B Evans
by son
in person

Respt
Johnson C/C
deceased
by the Collector, Chingleput
General, Madras
Interpleader claimants Mallur & Ramanayya
Govt of Madras

Read:-

Petition of appeal No 2066 A 5.70 of 97-98 presented by Mr H B Evans of Yercaud, Madras Presidency, against the order of the Asst Collector, Kadur Dist cancelling the sale of the mortgaged noted lands of Billabirundalli village, Sankarie Taluk, held for the recovery of the arrears of revenue due thereon by the deceased respondent.

(2) Correspondence ending with docket No 28, R, 15-12-98 from the Asst Collector, Kadur Dist, and the records received therewith

(3) Petition No 25, R, 31-7-99, received from Messrs A Narasimhamurthy Naidu & Co[r] by their advocate Mr H Lubbock, representing that the above villages which [illegible] had been mortgaged to them for Rs 600 [illegible]

Do-cy-for appl
Susp to 1st Committee
by 25/8/99

12046
[illegible]

Sl No - 9
" — 26
" — 10
" — 11
" — 12
" — 13
" — 14
" — 21

Susp to 2nd Committee
by 26/8/99

By 7th
26.8.99

Approved
29.8.99

31

Good no orders are called for on the petition presented by Mr Lubeck on behalf of Messrs Hannaman and Mrs W.

Redmpt
C, HC 2

2nd Secretary

25/8/99

cum file

To

Thos Hannaman Esqre
with reference to
mtg of 2nd inst.

25/8/99

I am directed to give you notice that the appeal which has been dismissed in accordance with the terms of the Registrar's order of 23rd inst and that unless all sums due in respect of the land which sale has been cancelled & the sum due are fully paid up within 30 days from date of receipt of this notice the land will again be put up to auction

25/8/99

47

Resumed & 2nd Councillor

May a para to the following effect be added to the order?

"The DS Commr will in due course proceed to recover the arrears on the lands in question unless paid up by the parties concerned within the period fixed by him & intimated to them"

Mg 1/9/99. Do all necessary

cmd
2.9.99

Clerk Draft
Clerk Draft
Instr
2/9/99

Vide para 2 Minute dated 21/8/99

2 Minute
dated 21/8/99

2.6.55 pm.
1.9.99.

Draft for Councillor
Mg 31/8/99

Recommended
for the consideration
of the Executive
Council
cmd
7.9.99

order issued
accordingly
cmd
7.9.99

their Knowledge, for a very
low price and praying that
the sale may not be confirmed.

(4) Razinanna dated 26th
July 99 presented on 22-8-99
by Messrs H.B. Evans and
N. Subramanyam, the Appellt
and Respts respectively in the
above appeal, through their
advocate Mr J.C.S. Laurence,
requesting that the appeal be
dismissed and that no order
be made as to costs

Order

In accordance with the Razinanna
petition ~~filed by the said the~~
~~Appellt and the Respts~~ the
Court direct that the appeal
be dismissed. There will
be no order as to costs.

2. As the appeal is dismissed
and the order of the Deputy
Commissioner confirmed

Subd
(1) 2 Rs Stamp Affixed
(2) Affr Complt of Petr not produced

Mk
16/2/98

The real petitioner in this case is Mr Evans & the attorney Mr Arbuthnot on his behalf has produced no power of attorney to act on Mr Evans' behalf

= Again the real purchaser was Mr Evans & petr= asserts that no duly executed power was given to Mr Arbuthnot

= The Dy Comr's order has not been produced

= Petr= & Respt produced the Dy Comr's order complained of.

Mk 24/2/98

Offce Subdr

Mk 26/2/98

(1) 57

1897

No. 2566.

Name of Petitioner George G. Arbuthnot attorney of Howard Brindsley Evans of Ipswich

Village

Taluk now residing at

District Yeraud. Madras

Date of Arzi 1/11-97-8

Date of Receipt 14-2-98

Date of Disposal

No. of Enclosure

ABSTRACT

States that in pursuance of a Notification issued by the Dy Comr, Kadur, and published in the Mysore Gazette of 18th Nov. '97 eight lands, situate in Pillikeranahalli Tarekere Hobli, which were the property of one Johan Sykh were sold by public auction for arrears of revenue

That he (Petr) purchased the said lands through his agent Mr B. Gurumurthy Advocate, Mysore for which he had to pay all his travelling expenses and Commission;

That when all this

purchase-money ever paid up the Defendants Garden, without notice to the Pltff and for no valid reason, refused to confirm the above sale;

[that when he made the above purchase the Pltff believed that the security which he owed to the said J. Sykes in another transaction would be represented];

that the Defendants should have made it a condition precedent to such refusal that the said J. Sykes should repay to the Pltff the amount which may to the said Sykes credit, he had incurred.

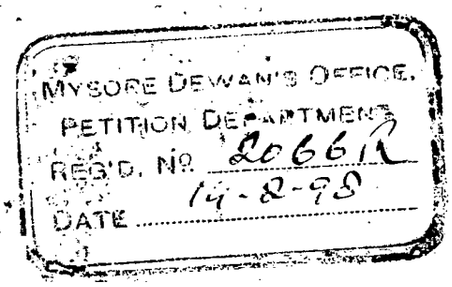
Prays that, after perusal of Deeds, the sale may be confirmed in his name; or that, in case it should be thought that the Defendants were right, the said John Sykes may be directed to pay the Pltff the expenses incurred by him in making the above purchase.

15/7/98

1/1 34

The Secretary

to the Government of Mysore



2066

T h e humble petition of Howard - Brindsley Evans Esquire of Ipswich in the County of Suffolk in England now residing at Yercaud in the - Presidency of Madras in the Empire of India.

Respectfully Sheweth,

1. T h a t in pursuance of a Notification issued by the Deputy Commissioner of Kadur and published in the Mysore Gazette of 18th November 1897 lands bearing survey Nos. 9, 36, 10, 11, 13, 15, 14 and 21 situate in the village of Pillaboeranahalli of Tarekeri Taluque and being the property of John Sylk Esqre were sold by public auction at the Tarekeri Talook Cutcherry by the Amildar on Saturday the 18th December last for arrears of Government revenue due on them.

2. T h a t Your Petitioner being himself unable to appear before the Amildar and bid for the property did so through his Agent Mr. B. Guru Row advocate practising in Shimoga who had permission to do so though for want of time no duly executed power could be given.

3. T h a t Your Petitioner was the highest bidder at the above sale and the lands were knocked down to him and your petitioner through his said Agent made the usual deposit of twenty five per cent of the purchase money at the time of sale and paid up the balance of the purchase money for the said lands within 15 days of the sale.

4. T h a t Your Petitioner in effecting the above purchase was put to considerable expense having to defray the travelling expenses of his Agent and his commission.

5. T h a t the above named John Sylk is indebted to Your Petitioner in the sum of Rs 26900/- which is secured to your

Petitioner by a mortgage of the Mujjay Kuttay Estate which adjoins the lands purchased by your petitioner as above mentioned.

3. That the said John Sylk has neglected to pay the interest on the said mortgage debt and your petitioner has been compelled to file a suit against him and has obtained a decree for Rs 2205/- costs and interest but he has been unable to execute the same.

4. That your petitioner purchased the lands at the sale aforenamed as he was informed and believes the same to be true that his security would be depreciated if they were sold to a stranger.

5. That the Deputy Commissioner of Kadur without notice to your petitioner and for no valid reason whatsoever has refused to confirm the sale of the above lands and through the Amildar of Tarikere intimated the fact of such refusal to your petitioner's said Agent.

6. That the Deputy Commissioner of Kadur should at least even if valid grounds existed for refusing to uphold the sale have made it a condition precedent to such refusal that the said John Sylk should recoup to your petitioner the amount of money which owing to the said John Sylks laches your petitioner has incurred.

Your petitioner respectfully prays:-

That Government may be pleased to call for the entire proceedings in re the above sale and in lieu of the order passed by the Deputy Commissioner of Kadur pass an order confirming the sale of the lands held by the Amildar to your petitioner or in the event of the Government agreeing with the order of the Deputy Commissioner that Government may be pleased to direct the said John Sylk to pay the petitioner the expenses incurred by him in the manner above stated and make the payment thereof

1/2 86

within a time to be fixed by Government a condition precedent to setting aside the sale.

A n d Your Petitioner will ever pray &c.,

I, Geo. G. Arnold Jr.
the duly constituted Attorney of the aforenamed H. B. Evans.
H. B. Evans

(2)

No. 2066

L R 101-97-8

SL 2

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 26 February 1898

ENDORSEMENT GRANTED TO Mr George G. Arbuthnot Attorney ~~Counsel for~~ Howard Brindsley Evans Esq of Ipsich residing at Cercand in the Madras Presidency

in reply to his Petition Registered No. 2066 ~~dated~~ without date but received here on 16-2-98 praying that the sale of eight lands in the Pillaberamahalli village of Varikere Taluk belonging to him for arrears of revenue may be enforced in his name

Petitioner is informed that he should produce the Dy Comrs order complained of.

'Off'

25/2/98

By Order,

Secretary.

Copy

38

38

297 is put up.

Ref

Collector's endorsement granting
Dept. Comm's order cancelling the
sale & giving time to Mr Sykes to
pay the arrears (dated 26th
Dec) is produced.

17.3.98

1) Time

2) Stamps Aff.

3) Appeal against Dy Comm's order
cancelling the sale of 7 shares
Mrs (belonging to Mr Sykes) for
recovery arrears

4) Counsel Case

The petn of appeal is presented
by Mr Arbuthnot who proposes
back on behalf of Mr Evans
The purchaser in the sale is
Mr Surri Rao who is said to
be an agent of Mr Evans The latter
is proposed to be added as
respondent for purchasing & another for
legal proceedings but there is no
power of attorney (in existence)
The question is whether Mr Evans
or Mr Arbuthnot has any locus
to stand in this case

Put up 2 Counsel's Case

18/3/98

(3) 1898

No. 2271 A.S. No. 70 of 97-98.

Name of Petitioner B. Guru Rao advocate

Village

Taluk Shimoga

District R 107—97-8

Date of Arst 5.3.98

Date of Receipt 5-3-98

Date of Disposal

No. of Enclosure

ABSTRACT

Submits for perusal the
Petn dated 28.1.98 filed on 28th
February 98 praying that
pending the disposal of his
petition to receive back
his deposit amount of
Rs 1000 deposited
in the Treasury for
lands purchased by him in
auction but which was
subsequently cancelled

Prays that the Collr
may be directed to keep the
amount so deposited pending
disposal of his appeal in
the meantime

Ex. 15.3.98

(Rs. 5.10-Rec 12.3.98)

Ex cheque dated 4/3/98
Rs 1000 (Rupees one thousand)

227

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT
REC'D. No 2271C
DATE 8-3-98

Shimoga
3rd March 98

P
35

The Secretary to the Govt
of Mysore

Sir,

As instructed by Mr Evans, I beg to send herewith Endorsements in original granted to me by the Amildar of Tarikeri dated 21st January & the 28th February 98. I have also applied for a copy of the order of the Deputy Commissioner of Kadur referred to in Amildar's endorsement dated 21st January 98 & shall on receipt thereof, submit it for the Consideration of the Govt. I also request that Govt may be pleased to direct the Amildar to bid in deposit the amount of purchase-money, pending disposal of the matter by Govt.

15th Feb 98.

I beg to remain
Sir,
Your most obedient and humble
servant
B Sundar Rao
Advocate

[illegible] 1111   1/4 [illegible] 81.3   40

[illegible]

[illegible]

[illegible]

[illegible] 9 10 11 12 13 14 - 21 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 854 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] - 26

[illegible] 1898 [illegible]

[illegible]

[illegible signature]

[illegible]

12/13

$\frac{1}{5}$

1293

1/

3

(4)

43 2 Drafts

No. F

2066
2271

L.R 101-97
824

MYSORE DEWAN'S OFFICE, 22-3-98

PETITION DEPARTMENT,

The 22nd March 1898

ENDORSEMENT GRANTED TO B. Gurudas, advocate Shimoga, (on behalf of Mr Hamond Brindeley Evans, residing at Yercaud)

in reply to his Petition Registered No. 2271 dated 5-3-98 appealing against the order of the Court of Kadur cancelling the sale of 8 Surveys in Pillakeranahalli, Tarikere Sh, for arrears of Revenue

Petitioner is informed that his petition has been sent to the Court of Kadur Sh, for submission of a report with records of the case

By Order,

for Secretary.

22.3.98

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

(1) The accompanying Appeal Petition No. ~~2056~~ and 2271 dated ~~15~~ 3-98 received at the Dewan's Office from Mr Howard Brindsley (by George Arbuthnot and Barnes, advocates) residing at Bangalore, praying, appealing against the order of the Collector cancelling the sale of Survey No. belonging to Mr Sylvester for arrears of Revenue to pay

(2) of Pillaberumakki in the Tarikere Sh

is forwarded, together with its ~~two~~ three enclosures, to the Deputy Commissioner of the Kadur District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petitions with the enclosures should be returned.

By order,

Secretary.

BANGALORE,

22 / 3 / 1898.

From B. Sam Rao 21/3/98
45 Advocate
Shimoga

To

The Secretary to the Govt. of Mysore,
Rev. and Gen. Depts.

L. R 161
82 6

Dated 22/3/98

Despatched

Received

General No.
No.

Enclosure No. one

Forwarding a copy of the order passed by the Dy Comr, Kadur in the matter of the sale of Hr Sylk's property for certain arrears due, held at Tarikere.

References to be marked.

Rec'd 25 2nd Councillor for perusal. The Dy comm'r's order gives the reasons for the cancelment of sale

Ry 1/4/98

RD 7th 1.4.98.

await Urs receipt of Urs record

2/4/98

Ry 4/4/98.

Rec'd 28/3 Rep- put up Subd- May they be filed with the appeal petn?

AK 28/3/98

29/3/98

Rec'd 23/3/98

46

22nd March 98.
— Shimoga —

To,

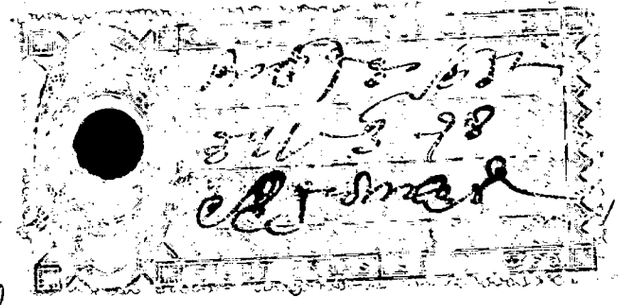
The Secretary to the Govt
of Mysore

Sir,

I respectfully beg to enclose herein a copy of the order passed by the Deputy commissioner of Kadur in the matter of the sale of the Syrikis fruits held before the Taluk Cutcherry at Tarekere.

I beg to remain
Sir
Your most obedient humble
Servant

B Gurumurthy
Advocate



47

Suit 826

Orders

The Assistant was in this case drawing a warrant of judgment which was not to be expected from an officer of his ability and experience.

The assistant was directed immediately to telegram.

On 15-2-97 that the sale might be stayed pending Po etc were paid on or before date of sale.

On 15-2-97 it appears that £1-8-0 were paid on behalf of a party interested in the lands. This payment being not made previously to the deficiency was for payment of Revenue arrears equivalent to payment by the defendant (vide section 32 para 2 Land Revenue Rules).

The conditional sale in the deficiency commissioners order were therefore more than satisfied 3 days before the sale.

On the circumstances the sale of the assistant on 15-2-97 was unauthorised and opposed to order and in any case the sale is void as was improper and opposed to section para 5 of the Land Revenue Rules. On the circumstances the sale of 15-2-97 will be cancelled and the deposit money returned.

48

To the Bidder. In Dy HC, no orders in telegram of 5-12-97 will be allowed until March next to pay the balance and Bidder be informed that payment by the said date will be strictly enforced.

5-1-98.

"Signed" G. Weir.

"Asst Secy"

Compd
BM

A Ramadan
for Deputy Commissioner
Kadur District

Copy applied for by Chemical Examiner on 15-3-98
Do ready for delivery on 17th March 98
Do delivered on 19-3-98
No. of words 210
Copying fee 0-4-6
Comparing fee 0-1-0
Total 0-5-6.

(1)

Revenue Department
Ref No 9141
Ref 559

From

The Deputy Commissioner
Kadur Distt.

To

L. R. No. 107 dated 17/3 Government
Granting 80 acres Revenue dept.
dated 5th March 90

Despatched 14th
Received Camp Kadahalli

Geniera No 671
Do.

Enclosures as Noted below.

Please see for the original
Notes attached to this
file page No.

50

Camp Kallakalli.

Dated 5th April 1897

From

The Deputy Commissioner
Kadur District.

To

The Secretary to Government
Ceded Revenue Department.

Sir,

In reply to Government Order No 1203 dated 22nd ultimo, forwarding for report petition of Mr. Howard Brindley Evans by George Pritchard and B. Gurumurthy, Advocates) praying for a Decree, Mandamus, appealing against the order of the Deputy Commissioner Cancelling the Patta of S. Survey Number of Pallakurama Kalli Village in the Davikere Taluk belonging to Elias John Split for Arrears of Revenue, I have the honor to report as follows:—

A Sum of Rupees 377-1-9 are due from Mr. Split of Rajakkallu Estate, Davikere Taluk, to Government till the end of June 1897 being—

Arrears of ——

of Kandayan on Lio lands in the Pillaiyarmahalli village.

3. As Mr. Sylt failed to pay up the Survey Fee - Arrears - Amount. ... appeared through

9.	Dry.	13.13.	Rs. 8-0-0.		Notice was se-
26	Coffee	11.19	" 17-4	"	-nt to him,
10	Wet	" 39	" 2-4	"	the marginally
11	-Do-	5.13	" 15	"	noted lands
12	-Do-	2.34	" 8	"	of the Pillaiyarma
13	-Do-	11.19	" 30	"	-hali village
14	-Do-	10.11	" 29.4	"	were declared
	Dry	1.17	" " 12	"	forfeited -
21	Wet	3.26	" 9.8	"	for realization
15	Coffee	45.22	" 58	"	of arrears
22	-Do-	69.25	" 104.8	"	due to Government
Total		175.38	" 293	"	and the sale

of the lands was advertised to take place on the 18th December 1897. The Notifications of sale were duly published as required by the Rules and also in the Mysore Gazette.

4. On the 15th December 1897 Mr. Kain received a letter from Mr. Sylt stating that he would pay the Rs 0-7-0 and requesting time till March 1898 to pay the balance, by which time he hoped to dispose of his coffee crop

5. Mr. Price enquired what Mr. Lyth's request was to be sent to the Railway Clerk mentioned by him. (received by email on 15th December 1897). A reply was the wish of Mr. Lyth's Counsel provided to said Mr. Lyth on the 15th December and agreed to pay the Solicitor on 1st March 1898. She was communicated to Mr. Lyth in the office by Campbell, dated 15th December 1897.

6. On the 15th December 1897 Mr. Price received the communication from Mr. Lyth stating that the Writ Summons had been filed with through Messrs Bardsley and Morgan of Bradford.

7. On the next Business day, the Respondents agent of Mr. Lyth, that although Cheques from the Jail had been sent, the sale of the Goods had been held, Mr. Price telephoned to the Railway Clerk stating time to report fully the circumstances under which the sale had been held.

8. The Goods were to be sold on 23rd December 1897, a fixed appearance.

(a) The Cheque for £10 per Respondent in Jail after Mr. Lyth's Repay

Debtor

Deputy Commissioner's telegram dated 15th December 1897, R. 5 & 6 are not plaintiff's suit and no time was asked to pay the balance.

(4) On 15th December 1897 a sum of Rupees 589-15-10 was paid by Mr. Guru Rao, advocate on behalf of Mr. Evans, who, it was alleged, held a mortgage over survey Nos 15 and 22. The other numbers were put up to auction on 18th December 97 as notified in the sale notice, for balance due, viz: 3/12-0-2, with the result that:-

Number 9, was sold for	Rs	15	0
" 26	- Do -	130	0
" 10	- Do -	5	0
" 11	- Do -	25	0
" 12	- Do -	15	0
" 13	- Do -	50	0
" 14	- Do -	52	0
" 21	- Do -	20	0
Total 8 numbers.	- Do -	Rs 312	0

Advocate Mr. Guru Rao, was the purchaser of the above 8 numbers and paid Rs 1/4 being 20% percent of the purchase money on the date of sale.

9. Mr. Rice, on perusing the record, passed the following order, setting aside the sale. "The auction held in this

"Mr. [illegible] Chairman I wish to point
out that we are not to be confronted, from
now on, by any objection and experience.
The motion was duly seconded
by Mr. Simpson on 18th December, and that the
case might be stayed pending decision
upon a test case to be heard.
On 18th December, 1917, the appellant
was fined on behalf of a
party interested in the case. This
payment although not made personally
by the appellant was for the benefit
of the appellant and was authorized
by the appellant himself (vide
Section 32 - Form 1 Land Revenue Rules)
The conditions laid down in the Bombay
Government Circular dated 13th December 1917
[illegible] Shall not affect the case."
"In the circumstances, the order of the Collector
dated 13th December 1917 was duly
[illegible] and appealed to me and in
the same case the order of Survey No. 26,
was duly [illegible] and appeal to section.
Section 5 of the Land Revenue Code."
"In the circumstances above the order of 13th
December 1917 will be cancelled and the
deposit money refunded to the [illegible]

1917

"Mr. Sykes, as ordered in Telegram of 15th December 1897, will be allowed time till 1st March next to pay the balance and should be informed that payment by the said date will be strictly enforced.

10. The present appeal of the appellant is against this order.

11. It should be noted that:-

(1) Guru Das did not produce any power of Attorney at the sale, authorising him to buy for Mr. Evans.

(2) That no cheque for Rs. 900 or for any sum whatever, was paid in by or on behalf of Mr. Sykes by Messrs. Prattent and Co, or Messrs Barclay and Morgan of Madras.

(3) The Auditor duly received Rs. 3.9.5.0 on Coffee numbers 15 and 22 and (21) the lands were not put up to auction - but the money was not paid in by or on behalf of Mr. Sykes, and Mr. Sykes did not appear at any time either before or at the sale to guarantee the payment of the former sum and give up his claim on the lands advertised for sale.

(4.) Although the sale had been cancelled, and Mr. Sykes warned that the balance due by him must be paid up by the 1st March, no such settlement of

appears

errors have been made by or on his behalf.

12. In my opinion the Auctioneer fol-lowed out his instructions to the best of his ability; but with regard to [illegible] the [illegible] as allowed by Section 40, para 5 in [illegible] [illegible] no 26 in which the bungalow was situated, he adhered to the exact order in which these numbers were advertised for sale.

13. The general record is herewith forwarded for information and obliging return, and the petition, with its enclosures, is herewith [illegible].

I have the honour to be
Sir,
Your most obedient servant,

[signature]
Deputy Commissioner
Kadur District.

Encl.

JOHN SYLK.

NOJAY KUTTAY ESTATE,
Santahori, Pinnr,
MYSORE STATE,

Dec - 13 - 189).

Rec'd. cash rs. 15/12-97 E

To the Deputy Commissioner
Kadur District -
Chikmagalur -

Sir,

I have the honor to request, in the matter of [illegible] tax due by me to Government, and with reference to the Revenue Sale of the [illegible] fixed to take place at Tarikere on the 8th instant (next Saturday), that you will be pleased to accept from me the sum of Rupees 500/- down before the sale takes place, and that the balance of Rs 300/- will be allowed to remain over until March, by which time I shall have disposed of my coffee - I understand that by one of the sections of the Revenue Rules this power is vested in you, and I beg that you will be good enough to extend to me this request on the understanding that I pay down Rs 500/- now - I mean in to Chikmagalur to see you in person, but found that you were also out on Circuit. As Saturday the 8th is close at hand I do not like willing to lay for telegraphic communication & the trouble of writing & any other expenses incurred, shd you be pleased to accede to my request -

I have the honor to be
Sir
Your most obedient servant
[illegible]

Telegram
to
Comptroller Pensions

Sub of my Explk
cases may be postponed
pending my Explk
pays Rs 550 on 18th
inst - and Explk to
pay balance by
1st March -
Matron discontinuing pay

15/12-97.

Telegram sent
Explk drafted to
Mr Explk

15/12

List of English Papers for the
year ending June
Sr. 6 8th

1 From the year ending 13-12-97 Regd
2 To ——— do ——— on 923 on 15-12-97
3 From ——— do ——— on 18-12-97 Regd
4 To ——— do ——— on 9985 on 6-1-98
5 From ——— do ——— on 7-1-98 Regd
6 To ——— do ——— on 1009 on 11-1-98

Head Clerk.

No. 1897.

J. Sylk Esquire
Mosay Kalle Estate
Sanlveri

Camp 20
15th December 1897
Kolgehar

In reply to his letter dated 13th instant I have this day, has the honor to inform Mr Sylk that orders have been sent by wire to the Amildar of the Taluka to postpone the sale of his lands provided Mr Sylk pays Rs 500/- on 18th inst and agrees

JOHN SYLK.

NOJAY HUTTAY ESTATE,
Santaheri, Birur,
MYSORE STATE,
Dec. 18. 1897.

Copies of attention is invited from
19/12 E

DEC 1897
Bangalore

The Deputy Commissioner
Kadur District.
Chikmagalur

Sir, I have the honor to acknowledge receipt of your favor dated 15th Dec., and to thank you for kindly acquiescing in my request to allow the sale to be postponed on payment of Rs 500/- now. While thanking you for this I beg at the same time to inform you that the whole amount has been paid up (through Messrs Barclay Thompson & Madras) by Messrs Arbuthnot & Co, so that this settles the matter of all arrears —

I would now like to apply to you for new Title Deeds for all the different Survey Nos. in my possession and I hope the Government will issue orders for the granting of these to me as early a date as possible.

I have the honor to be
Sir
Most Obediently Yours
John Sylk.

V

No. 1897.

John Sylk Esquire
Sandown.

Dated 6.1.98

Kalsa
No: 998.

With reference to correspondence relating to the sale of his Lands for arrears of revenue due by him, has the honor to inform Mr Sylk that the sale of Sec 1701 noted on the margin which was held on the 18th ultimo has been cancelled in consideration of the part of ~~so~~ to 589-15-10 ~~paid~~ paid before the date

9
16
10
11
12
13
14
21

JOHN SYLK.

NOJAY KUTTAY ESTATE,
Santaberi, Virur,
MYSORE STATE,

Jany 7 1898

The Deputy Commissioner
Kadur District
Chickmagalur

Sir, In the matter of the sale of my lands at Santhare, I have the honor to address you as follows:-

I went in to Chickmagalur last week to see you in person, but was again unfortunately unable to do so as you were out on Circuit Duty. But I waited some days there, and in a long interview with various Officials I explained the whole matter in detail with the Cases on the table and one of your Officials undertook to examine, & you the Explanations given by me. I beg to submit that there were irregularities in the matter of the Sale as held by the Amildar Kadur, and I stated this matter has been brought down to you by your Office. If I am required to go into detail, over the same ground in writing, I will be happy to do so, & I will come in & see you in person as you direct. Meantime I await your orders in the matter, and will be prepared either pay the account as arranged with you, & to withdraw proceedings - an unfair advantage was taken in the attempt the Cases from Mysore & Coorg (and this fact will be borne out by the Records) While on the other hand, the Applicant was actuated by the sale of the lands (and Murders and Robberies and Dacoities realised by the Amildar was brought in his knowledge) & all the Amildar was informed that the Sale was null & void. Case Number - May I therefore request that the Sale may be confirmed - and leave the Town Peacefully, Most Obediently Yours

Vol. 3 - 8859

Born [illegible] 1921

Inducted [illegible]

Orders have already been posted

10/1 48

V/J 1898.
No.

John. Sylk. Esquire
Notary Kala Estate
Sandwere.

D/ 11/13 1-98
No. 1009 Enc.

In reply to his Letter
dated 7th instant about
the sale of his lands
for arrears of revenue
due to Government,
has the honor to
invite Mr Sylk's
attention to this office
Docket No 99 dated 6.1.98
Cancelling the sale
of the Nos included in

21. 6.98 Urgent (Revenue)

The entry in my note book shows that the file was sent to the 2nd Councillor by the 1st Councillor on 14.6.98

Subd to 2nd Councillor
21/6/98

21/6/98

21/6/98

57

1898

No. 2384

Name of Petitioner John Hyde

Village Hosay Kotay & Sirur

Taluk Sanlaberi Bardr

District Bangalore State

Date of Arzi 8-1-6-98

Date of Receipt 14-6-98

Date of Disposal

No. of Enclosure

ABSTRACT

Petitioner states th
he could not attend th
hearing of the appe
in person for
unavoidable
affairs & that in
event of
order being
he is of opinion
the Amildar was
in
fell his S.C. when
balance of
due was obtained
Rule 5 No
ded. 24
by
had

Commission for a postponement
of the sale of £5 500 were
paid in before the date of
the sale & the balance of
£300 were paid by the
end of March 1898, & that
the Dy. Comrs. varied the
particular to postpone the or-
der & cancel the sale if
that being satisfied that
the orders would be regarded
by the Guildhall, the petitioner
concluded that the sale
would not take place &
he did not go to Carlow.
He prays that the Dy. Comrs'
order may be upheld.

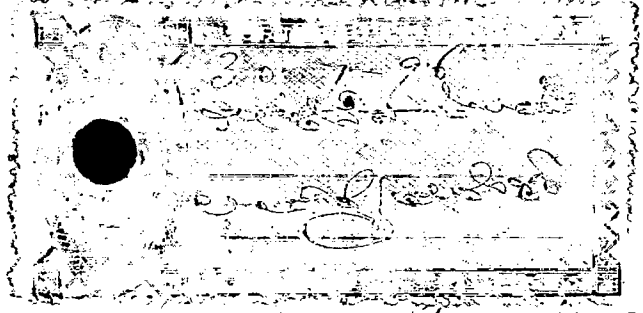
MRE.

20/6/98

JOHN S[illegible]

Ref No 1/1841

Notice Sq



Eight annas Stamp affixed

2907

NOJAY KUTTAY ESTATE,
Sandalwood, Virur,
MYSORE STATE,

57

MYSORE [illegible]
PETITION CLERK [illegible]
No. 27892
Date 14-6-28

To The Secretary
Office of the Revenue Appeals
Bangalore

Sir, Re Messrs Arbuthnot Co's Appeal Petition

I have the honor to state as follows :-

(1) That I have been unavoidably prevented from being present at the hearing of the appeal in person -

(2) That in the event of the Rent Commissioner's order being reversed, I wish to place on record the fact that though the balance of tax more due had already been obtained by the Sale of my Estate Lands Numbers 9, 10, 11, 12, 13 & 14, & 21, at the Government Sale held on the 18th of December at Tarikere the Auditor still further proceeded & sent up Bill for Survey No. 26. This I dg we consider he was interfered in Error.

With reference to the history of the preceding I beg to explain to the members of the Revenue Court that prior to the date I had obtained the Deputy Commissioner's permission for a postponement of the date, of Rs 500/- more paid in before the date of sale, & the balance of Rs 300/- to be paid by end of March 1928 - accordingly the cash before the Sale in December I proceeded to Chikmagalur & pay in the Deputy Commissioner's Office the Rs 800/- as ordered. I am sure the Court will see, that through their error the Revenue Roll already paid in more than the stipulated amount.

JOHN SYLK.

60

NOJAY KUTTAY ESTA
Santaheri, Virur,
MYSORE STATE,

(2)

immediately wrote to Mr Evans
on whose account Messrs A. & Co Mr Kunhi Rama
had been acting and asked this gentleman whether
I should remit the money to him, but I got no reply.
In due course however the sale was held at
Sankeré, although the Deputy Commissioner had
issued orders for the postponement, or the cancellation
of same - Being satisfied that these orders would
be regarded by the Amildar I awaited that
the sale would take place and that my presence
at Sankeré would be unnecessary -
Shortly the Kurchi Estate under these circumstances,
that the Deputy Commissioner's orders be upheld -
Then I left Kurchi Estate
for
Hirur - via Madeeri & Somwarpet
Mercara

Urgent

Proceedings of the Govt of Mysore (10)

61

Read:-

L-D 101 - Petition No. 2066/A.70 of 97-98.

8 C 9

presented by Mr. A. B. Evans, (by his Advocate Mr. Govindaraj) of Yercaud, Madras Presidency, appealing against the order of the Deputy Commr, Kadur Dist. cancelling the sale of 8 survey numbers of Villabiranahalli in the Sakleshpur Taluk for arrears of revenue due by Mr. Forbes Sylk.

(2) Letter No. 67/95-96 dt. April 1898 from the Deputy Cr. Kadur District, reporting on the above and submitting the records of the case.

Rs. 12460 / R.635 dt. 30-4-98 2/7

Order thereon:-

The Dy Commr is requested to submit a report furnishing the following information within a month from the date of receipt of this order.

Reporting

following information should be obtained and furnished in this matter.

1 Did Mr Lyle appear before the Deputy Commr and offered to pay up five hundred ~~Rs~~ at once and agree to pay up the balance before the 1st of of March? did he file any written application? What was the necessity for the Amildar to be directed to take another agreement from Mr Lyle to pay up the balance before the 1st March? All the original record on the point must be sent up.

2. Did Mr Lyle or any one on his account send a cheque for Rs 900 or is the statement of Mr Lyle that he sent a cheque for 900 Rs unsupported by facts? What is the

explanation of Mr Lyth on this point and now that he has failed to pay the balance on or before the 1st of March, what objection, if any, has he to the sale now in question being confirmed?

3. When Mr Gurunath paid 500 and on account of Mr Evans did he file a written application? In what express terms did he pay the money? All the written record, if any, on the point must be sent up.

4. Was it before or after the receipt of the telegram from the Dy. Comr directing the Amildar to postpone the sale under certain conditions that money was received from Mr Gurunath? Was Mr Gurunath informed of the telegram before the Amildar proceeded with the sale? Full information on the point must be supplied.

5. As Mr Gurunath did not

not pay up the whole arrear
under Section 175 of the Rev Code
what authority had the Huldar
to stay the sale of S. Nos 15 & 22.
Had the arrear against these
numbers been separately assessed?
What is the practice in vogue in
the District in such a case of
several survey numbers being
put up for sale, and the sale of
one of them being stayed on the
payment of a part of the arrear?
The authority in support of the
practice must be quoted.

The record are returned for report & recommendation
back to the Dy Comm^r for
a further report being submitted
on the above points within a month
from the date of receipt of this order.

Cite 2 Draft Bkm 29/8

For Secretary
29/8/98

To
The Dy Comm^r, Kadur Dist^t with
x records.

+ ಪಿ-ನಂ-೨೮೦೫೫ (ಪಿ)೭೮, 1-7-98

65 (11)

General No 655
Pol 34

From

The Deputy Commissioner
Kadur District

To

The Secretary to Government
Gajetteer and Records Depart

L. R 101-37
SL 10

Dated 24th

Despatched 14th July 1898.

Received Camp Salebahu

Genl No 36

Encl Nil. English letter Records

Reporting on General points raised in G.O. No-1246 dated 30th June 1898, regarding Pol 1538 the arrests of Kandayan Dhe by Mr. John Sykes Project Katlay Gowda, Sarikere Taluk ——

Original filed with the Rolls of this Subject.

Camp Salkrefalua
Dated 2nd July 1898.

From

F. E.C. Carr Esquire
Deputy Commissioner
Kadur District.

To.

The Secretary to Government
General Revenue Department

Sir,

With reference to Government Proceedings No. — 12460 dated 30th June 1895 I have the honor to report Ref 1535 as follows:—

2. (a). The Sykh did not appear before the Deputy Commissioner in person, but wrote a letter on 18th December 1897, offering to pay Rs. 500, the amount due on the award requiring that the balance should be remitted, receipts were sent him by which time he should have paid the money.

(b). The Sykh did not appear nor was he or any one on his behalf authorized to agree

agreed to pay the balance, which does not appear to have been fixed by the then Deputy Commissioner — Mr. Weir, and the following telegram was sent to the Tarikere Amildar on 15th December 1897:

"Sale of Mr. Sykes lands may be postponed provided Mr. Sykes pays Rs. 500/- on 18th instant and agrees to pay balance by 1st March." Mr. Sykes letter dated 13th December 1897 is with the enclosed papers.

(C.) Neither Mr. Sykes nor did anyone on his behalf send a cheque for Rs. 900/- to the Amildar, but a cheque for Rs. 900/- was presented by one Mr. Gurú Rao, advocate, who after ascertaining that Rs. 589-10-5 alone were due on survey Nos. 15 and 22, over which one Mr. Evans held a mortgage, paid this amount, and no more, as advocate of Mr. Evans.

(4)

(b) It appears that Ganesh did not file any written objection to the said Exhibit, but that, relying on the 15th December and appearing by Counsel on the 22nd December, he filed Exhibits 15 and 22 which purported to be receipts for the Government Loans and the Government Agent having signed it, they ought to be credited to Government, whereas Exhibits 15 and 22 were both the Government Agent's and Ganesh's receipts.

(c) The receipts state that the payment and the telegram after that amount was paid by the Government Agent on the 15th December; that the telegram was shown to the Government Agent, and he was asked whether he would pay up the balance; and that on his refusing that he had no instructions on that point, the sale of the remaining animals was proceeded with, on the 18th December.

(d) The practice in regard to the

Exhibit

District when several survey numbers are put up for sale, and payment in part has been made on certain of them, is to proceed with the sale of the remaining lands, for realization of arrears still due; and if such lands do not realize the full arrears due, the numbers on which arrears have been paid and the sale objected are generally proceeded with if the defaulter has no other property.

3. As far as I am able to ascertain the confusion in this case has arisen from the fact, that there are two sets of mortgages with claims on the lands in question - Mr. Lyle expected one set to pay up his arrears for him, which they failed to do; the other set objected, in paid up the arrears due on the survey numbers, over which they held a mortgage, and bought in the remaining numbers at the sale.

The Amildar was ill advised in not carrying

carrying out the powers of the Deputy Commissioner to the letter, we think we could not suggest anything better, and all the correspondence ceased — the somewhat unsatisfactory, however, as it is, we think has not sufficient excuse for his misbehaviour —

4. Under these circumstances I would respectfully suggest that the case should, and on the whole fairest way out of difficulty, is to confirm the order cancelling the lease at the same time warning Mr Lyth that the numbers will be again put up to auction, within a month after the receipt by the Government of the purchase money, unless all Government dues are duly paid up to date.

I have the honor to be

Sir,

Your most obedient Servant

E. Clarke

Deputy Commissioner

Kaikoura District

MK 69

71
Urgent
(12) Draft

To the Secretary
L.R. 101 - Rhodes St
82 11.

Re. 936/P.102 3.8.98 P
3

His letter No 36 of 21/7/98
Camp

reporting on the appeal
of Messrs Evans & Lyons
Ruo regarding the cancellation
of sale of certain lands
belonging to Mr Lysle

Referring to the above has the
honour to observe that
Mr Lysle's Statement as
to what objection he had to
the sale being confirmed, he
having failed to pay the
balance by the 31st March, has
not been taken & submitted

as required in para 2 of Govt

Proc No 2460 & 30/6/98.
P 15-35

(1) The Dy Comm^r is requested to submit, at his very earliest date, Mr Sykes's statement as well as information on the following points

(a) Was the cheque for Rs 900 referred to in Mr Sykes's letter of 7th January 1898 altered to Rs 589-15-10 and presented by Mr Guru Rao as advocate of Mr Evans or was the money paid in cash to another?

(b) By whom, and in whose favour was the cheque drawn?; and when and how did Mr Sykes come to know of the alteration of the cheque

(3) The records are returned herewith

Reference & records

BD

3/8/98

× ಪ್ರತಿಗಳು ಮತ್ತು ಪತ್ರ

3-8-98

(13)

Gl no 2046 73
Ref 130

From

F. C. Carr Esquire
Deputy Commissioner
Kuala Selangor

To

The Secretary to Government
General and Revenue Departments.

Circular No. 101-99
Miscellaneous Applications
Received 82.12
Genl No: 1241 of 1899-99

Encl: Nil. 1 file after Records.

Reporting further inconvenience arising from the refusal of applications of Mining Leases & Grazing Leases &c - the Cancellation of the sale of certain Lands belonging to Carr Esqre.

Original attached & two notes on the subject.

Chichiriyalam, 7th September 1910

From.

J. C. Carr, Esquire
Deputy Commissioner,
Kadapa District.

To.

The Secretary to Government
General and Revenue Department.

Sir,

With reference to Government order No. 936 dated 3rd August 1910 calling for further report in R 67102
connection with the petition of Messrs Evans & Lyons Ltd regarding the Concession of the Ends of certain Circuits belonging to the Cycle, I have the honour to report as follows:—

(1) As required by Government orders, the Communications were sent to the Engineer requiring him to state what objection he had to the Ends being confirmed he having failed to do so in the letter by the 15th of.

March 1898, and how he came to know of the alteration of the Cheque.

Correspondence has been received, and I regret to say the Pleader's report of his death in Madras on the 4th instant.

(2). The cheque was for Rs. 5000 issued on the Madras Bank in favour of Mr. Gurn Ram. The amount of the cheque was not altered from Rs. 5000 to Rs. 5,000, but as the Cheque was in the name of Mr. Gurn Ram that gentleman cashed it and paid Rs. 5,87,000 the arrears due on two mines on which Mr. Evans, Mr. Gurn Ram's Client, held a mortgage.

2. Under these circumstances, I would again invite attention to the concluding para of my letter No. 30 dated 21st July 1898.

3. The records are resubmitted for perusal and obliging

96

Returned when no longer required.

I have the honor to be,
Sir,
Your most obt: Servant,

H. Clay
Deputy Commissioner
Kaaba District

H.C.

1698

From The Secretary to Govt
Genl and Rev. Depts

To The Deputy Comr
Kadur Dt

LR 101-98
82 13

Dated 28th

Despatched 30th Sept 1898

Received

General No. 2658
P. No. 302

Enclosure No. 1 file.

The Dy Comr's letter No 141 dated 9th September 1898, submitting a further report on the appeal of Messrs Evans & Gunn Rao regarding the cancellation of sale of certain lands belonging to Mr Lyle.

In returning the papers received with the above for reference and resubmission I have the honor to request that a further report may be called as to whether the legal representatives of Mr Lyle ~~[illegible]~~ and by whom the

as the Same has to be brought on the record before Dr/ survey of the Appeal

The cheque requested to
was drawn.

C. }
27.9.98 }

By order

for Secretary

27.9.98

(15)

79

Genl No 2670
Pet 175.

From

The Deputy Commissioner
Kudur District.

To.

The Secretary to Government
General and Revenue Departments

L.R 101-79

Dated 10th 8214.

Despatched 12th October.

Received —

General No 209

Enclosure- Nos 2 Records.

Reporting that Mr C Sylk, the brother of the late Mr J. Sylk, is practically the legal representative of the deceased and it cannot be ascertained by whom the cheque was drawn.

Original attached to the notes on the subject.

810

Deputy Commissioners Office
Kadua District

Field Camp Kadua
10th October 98.

From

F. E. C. Lascelles Esquire

Deputy Commissioner
Kadua District.

To.

The Secretary to Government

of Nigeria, Borgarawa

Sir

In reply to your letter No. 3688 dated 25th ultimo, Calling for further report in connection with the arrest of Messrs Evans and Green Rad, regarding the Cancellation of Title of certain lands belonging to the late Mr J. Lyle, I have the honor to make the following further report:—

81

1. I have in pursuance that Act of Sale the Sister of the deceased, is the legal representative of the deceased.

2. The original Cheque not being filed in the Court of District Treasury, it cannot be ascertained by whom the Cheque was drawn. If required the Competent may be asked.

3. The records are herewith submitted for reference and perusal of Return when so kindly required.

I have the honour to be
Sir
Your most obedient servant

Deputy Commissioner
Kadur District

A 2 (16)

1898

From Secretary to the Govt of Guyana

To The Deputy Commr Kuyuni District

L. R. 101-97

Dated 3d } 15 November, 98
Despatched 7th }
Received

General No. 3181.
C. S. No. 33-98

(34)

Enclosure No.

His letter A. 2098 12th Octr, 1898 furnishing further information in regard to the appeal of Messrs H.S. Evans and Bynoe Rae regarding the cancellation of the sale of certain lands belonging to the late Mr J. Sykes.

With reference to the above has the honour to request that the Deputy Commr will be good as to state where Mr C. Sykes the [illegible] brother of Mr J. Sykes is living and whether he has obtained Probate or Letters of Administration in regard to the

estate of the deceased.

The records are hereto
with returned for reference and
recordation.

By Order

Foley.

(17)

84

General No: 3544

Pol 223

From

The Deputy Commissioner
Kadavu Distrct.

To

The Secretary to Government
General & Rev Depts —

Dated 18th

Despatched 18th December
Received 2 - R. 191-97

8216

General 276 of 1898-9

Enclosure No - 1

Circle referred to the Secretary's
docket No. 3.81 Dep. 2.34-98 dated
3rd idem, calling for further
information in connection
the proposals of the Circle Mr. J.
Sybil, has the honor to forward
for the information of Govern
-ment, Copy of Mr. C. Sybil's letter
dated 23rd idem, giving the
required details: —

Signed) T. C. Carr
Deputy Commissioner
Kadavu District.

"

Objected, attached to the
Rolls on the Subject

85

Kajay Kattay Estate,

No, Sr to 8.20.16. Santaneri,

23rd November 95,

The Deputy Commissioner

Kadur District,

Chikmagalur-

Sir,

Your favor No 85 dated 6th instant, forwarding copy of docket No. E.I.S.- 84-98 from the Secretary to Government.-

In reply I have the honor to state

I That I am still living on the Kajay Kattay Estate-

II That the Estate of the late Mr. John Lyall is placed in the hands of the Administrator General, Madras.-

I have, &c-

(Signed) C. Lyall.

Copy

D.C. Kadur

Deputy Commissioner, Kadur

"

(13)

86

Irgul-

P

No 4141
R734-98 31.12.98
10

L.R101-97
82 no 17

The Comptroller &c. with
the Sub Registrar

Sir,

I am directed to request you to furnish the x marginally noted particulars relative to a cheque drawn on the Bank of Madras and paid into the Sandur taluk Treasury on the 15th December 1897 by Mr Guru Rao in satisfaction of the Revenue arrears on

x
(1) By whom was the cheque drawn
(2) In whose favour was it drawn
(3) The amount entered in the cheque

4.

Sl.No 15 & 22 of Pallichirakkal
Village, Tirur taluk
in the information
is required for the
disposal of an appeal pending
before us, I am to
request a very early
return

10/12/20

(1) 2 Bailiff-Law Office

No. 4142 / P.T. 34-98 } 10.12.98

To The Administrator-General

L. R 101 - Ugh, 4
82 18.

Sir I have the honour

to inform You that the

estate of the deceased respondent

in Appeal No 70 of 1897-98

before the Supt. of Ugoni is

represented to be administered by

You & to request that the

interest if you have any

objections to the

representative of the

late Nv Johnstyk, the

respondent in this appeal

Capetown

7/12/98 Sec

Appellant
Nv Hobson
by Nv Gunnow

Respondent
Nv Johnstyk
(of Napay Kattay
Estate, Sandtown
Jankeetuk,
Kaffir St.)

7.12.98

(20)

89

4143
R.A. 3734-98 } 10.12.98

No. LR 101-97
SL 19

The Asst Apt Resident
in Mysore

Sir,

I am directed to forward herewith for favor of transmission to the Administrator Genl Madras a letter addressed to him in re the Estate of the deceased Mr John Sykes Respondent in appeal No 70 of 1897-98 on the file of the Govt of Mysore -

I have &c

9-12-98

(21)

90

Draft

L.R 101-97
8220.

To The Dy Comr
Kudm Dt

No 4144.
8734-98 dt 10.12.98

This Hqrs No 3181
P/E No 34-98 dt
3/11/98 relating to the
Appeal of Lr H 13 Evans.

Has the honour to request
that the V records forwarded
with the above may be
returned

for Dy
7/12/98

(22).

91

General No 3362

Pet 234.

Dy. Accountant Department

1898

From

Mr Commissioner, Uganda

No L.R. 101-97.

Re Petition to the Court of Uganda

dated 16th } December 98

Received }

No

No 1157

Subject matter

Stating that the Cheque No 1167 for Rs 9,188/- dated 7th December 1897 was received by this Office at the Bungalow Branch and adjusted in the Kadur District Treasury for December 97.

Original attached to the rule on the Subject.

No 2545.

Treasury Department

Office of the Comptroller Supreme Government.

Bangalore 16/17 December 1897.

From.

E R Enbrayer Esquire

Comptroller, Supreme Government.

To

The Secretary to the Government of Supreme

General and Revenue Department.

Sir

In reply to your letter No. 4141 dated 10th idem relative to a cheque drawn on the Bank of Madras and paid into the Nandidroog Taluk Treasury on the 15th December 1897 by Mr Guru Rao in satisfaction of the Revenue Arrears R.L.D. 24-98

I have the honor to state that the cheque No. 99 for Rs 900 dated 11th December 97, was drawn by Bank of Madras favouring one B. Guru Rao on its Branch Branch at Bangalore was remitted by the office at the Bangalore Branch and adjusted in the Main Office Treasury for December 97.

I have the honor

to be Sir

your most obedient servant

(Signed) E R. Enbrayer

Comptroller.

P.T. 34-98 containing the reply is putteyh

AK
3-1-99

Subst - No reply has been rec'd from the Administrator General, Madras.

Mdy
9/1/99

Mdy 16/1/99

93

3869
DEC. 29 3
Rec'd 1895
Rev. Dept.

(23)

The Deputy Commr
Madura District

To The Secretary to Govt
General and Revenue Dept

Dated 15th

Despatched 17th December

Received R. 141-99
8122

General No. 289
No.

Enclosure No. 2 records.

Sir the honour to forward herewith the vernacular and English records relating to the arrival of Mr. B. Evans called for in Secretary's Mr P.T. 34-98 dated 10th instant

A. Alexander Rao

Deputy Commr
Madura Dist

Read

P.T.
19-1-99

Rec'd 21/1/99.

[illegible]

2-1-99

94 (24) P

1898

From

The Secretary to the Govt of Mysore & Coorg in Revenue Dept

To

The Secretary & Treasurer
Madras Bank
Madras.

Dated L. R 101-(55)

Despatched 8 Nov 23

Received

General No. 4704
F.J. No. 54-98 9.12.1.99.

Enclosure No.

Sir,

I have the honor to request you to be so good as to ~~state what~~ the ~~amount~~ to your Bank, ~~on account~~ Cheque No 109 for Rs 900/- dated 11th December 97, was drawn by you Bank favouring one B. Guru Rao, on your Branch Bank at Mysore ~~which~~ This information is required for the disposal of a Revenue appeal pending before the Govt.

I have &c.

for Secretary.

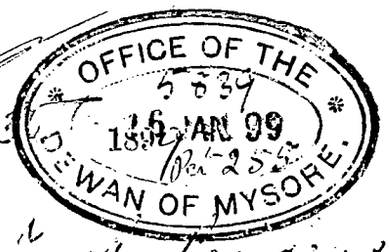
Recovered the amount of the Cheque which the said Mr Govt sent your Bank & at whose instance from whose account

Appellant Rep. H. B. Evans by Mr Guru Rao

Respondent Mr Ghanshyam

Pol 886

95 Pol 12/1/99



From

(25) The P. A. to Resident in Mysore

To

The Secretary to the Govt. of Mysore,
Rev. and Gen. Depts.

I 2101-95

Dated 15th Sep 24

Despatched

Received

General No. 138

No.

Enclosure No.

Forwarding copy of letter from the Admr-General, Madras regarding the estate of the late Mr. John Sykes.

Subd & 1st Councillor

I A copy of the appeal petn will be sent to the Admr-Genl, if applied for

II Reply from the Secy & Treasurer Madras Bank has not yet been recd

III If the case is reported, then notice will of course be sent to Admr-Genl

15/1/99.

Rest 19/1/99

1691

I copy of the appeal petn may be sent

II Bank's reply may be awaited

III The case may be reported and a date fixed

20/1/99

21-1-99

Records resd by 1st Councillor (Vide Slip)

21/1/99

Refer

References to be marked.

Relation Papers

Rd on 16-1-99

O/L 24793, relating to the subject referred to in the letter, was obtained from the Despatcher & put up.

A.C

19-1-99

Subd. Our reply to the Madras Bank has not been despatched

19.1.99

96

No. 138 enclo: 1

Rec'd 12/1/99

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore

Dated Bangalore, 12th January 1899.

SIR,

I am directed to forward for information Copy of a letter No 22 dated the 3rd instant, from the Administrator General, Madras, in reply to a communication addressed from your office to that office in re the estate of the deceased Mr John Eyre, and forwarded through this office, with letter No 143 / For 734-98 from the Secretary to the Government of Mysore, General and Revenue Departments.

Publication

I have the honor to be

Sir

Your Most Obedient Servant.

K. S. Erskine Captain,

First Assistant Resident.

Copy of Letter No 22 dated the 3rd January 1899 from the Administrator General, Madras to the 1st Assistant Resident in Mysore & Coorg Bangalore.

I have the honour to acknowledge the receipt of your letter No 6787, dated the 19th ultimo forwarding a letter dated 6th idem from the Secretary to the Government of Mysore, General and Revenue departments.

Please inform that officer that I have no objection to the Administrator General, as the legal representat of the deceased, being brought on records in Appeal No 70 of 1897-98 filed by Mr E. B. Evans. I shall feel much obliged if a Copy of the grounds on which the appeal was filed is furnished to me. I presume that the notice of appeal will be sent to me in due Course

"Copy"
A. Elliott
Registrar

261 · Genl No 4305/266 · 98

Bank of Madras.

Madras 15th June 1898

L-R 101-97
82025.
185

The Secretary
to the Government of Mysore
General and Revenue Dept.
Bangalore

Sir

With reference to your letter No 4704/P.T.34-98 of 17th inst: I have the honor to inform you that Messrs Parry Morgan & Co are the applicants for and draft No 109/7 on our Agent's Branch favouring Mr B. Guru Rao for Rs 300/-.

I have the honor to be
Sir
Your Obedient Servant
for Secretary

99

LR101-57
SL26

Brompton, 2nd January, 60.

Dear Sir

Re Sutton J.P. & Evans to Lloyds &c.

We have made an official search re the death of Capt. Isaac Hart under the name mentioned to us on behalf of Mr. Evans.

Mr. Evans is now in England, but I represent his interest in the matter in connection with his mortgage on Captain Hart's Estate & have an assignment & correspondence in my possession we received from Messrs. Sandilands & Co & Capt. Kennedy, &c. David, who delivered them to me at Mr. Evans's request.

Mr. Advocate Gibson Carr of Montreal has sent an opinion on the case.

Yours faithfully

L Ricketts

100

1898-99. (27)

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

To

The First Asst to the
Resident in Mysore

Rated

Despatched

Received

General No. 6405

P. No. 731 8 11-3-99. P.

Enclosure No. 2.

Sir,

I am directed to forward herewith for favor of transmission to the Administrator General, Madras, duplicate copies of a notice in connection with appeal No 70 of 97-98 pending before the Govt

I have &c

Secretary

Draft
Bbn
11/3

Pol-253

07 24 772

5833

MAR 99

Pol 357

1899.

From

The Deputy Commissioner
Kadur Dist

101.

To The Secretary to Govt.
General & Rev Depts

Dated 15th March

Despatched 17th 101-97

Received 8228

General No 439/1898-9.
No.

Enclosure No. 2

Forwarding for information copy of letter dated 3rd instant No 675 from the Administrator General, Madras, and soliciting final orders regarding the cancellation of the sale of lands in the Khata of late Mr Ly Ch, for arrears of revenue -

Subd to 1st Council
The Case has been fixed for
the 29th for hearing
Ly 23/3/99

10937

To C C
24.3.99

20.3.99

Read 20/3/99

21/3. 07 34 778 relating to the subject
cited up.

To Central Clk
22.3.99

AK
23-3-99

Pietermaritzburg
16th March 1899

From

S. E. C. Chas. Saunders
Deputy Commissioner
Native Affairs

The Secretary to Government
General and Revenue Depts

Sir

With reference to correspondence
ending with this office No 289 dated
15th December 1898, I have the honor
to forward for the information
of Government, copy of letter dated
2nd instant, No 10, from Mr. Mitchell-
mann, Administrator General
of Swaziland, and to solicit final
orders of Government regarding
the cancellation of the sale of lands
in the Shiel of late Mr. Wyllie for
arrears of Revenue.

2 The Administrator General
states that he is administering
the estate of the late Mr. John
Wyllie.

3. As per enclosed list, a
sum of £ 978-11-4 is due on
the

the late Mrs Sylvio Lando.

I have the honor to be,

Sir,

Your most obedt Servant,

J. C. Lane

Deputy Commissioner

Alaska District

107

No 670 Administrator General's Office
Madras 2nd March 1899

Estate of ~~Dr. [illegible]~~ Sir to &c
Suit from

N. Subrahmanyam
Administrator General
of Madras

To

The Deputy Commissioner
Kadiri

Sir,

I have the honor to acknowledge the receipt of your letter, No 1095, dated 22nd ultimo, with enclosures for which I am much obliged.

I note that no coercive measures will be resorted to for the recovery of the arrears due on the lands belonging to the deceased, without previous notice to me.

Please inform me for what
period was the sum of Rs 559-15-0
paid by M/s Guru Rao on behalf
of M/s Evans for assessment
on survey nos 15 and 22.

I have the honor &c

Sd/ N. Subramanyam
Administrator General
of Madras

Dy

D.C.Rao
Deputy Commr
Kadiri Dist

Asst

Memo of arrears due to Govern-
ment on the lands standing in
the name of the late Mr. John Lyall
in the Pillaiyannahalli village, Tari-
kere Taluk, Kadur District, Mysore
Province.

For what year	Amount
	Rs. A. P
1894-95	107-15-6
1895-96	311-5-.
1896-97	311-5-.
Previous years assessment on A G 4-1 of land added to Survey No: 5;	40-4-.
Assessment due on A G 3-27 added to Survey No 22 from 1881-82 to 1894-95	66-15-.
	Rs 837-12-6
Interest on the above assessment upto end of June 1897	41-13-.
Notice fee	0-4-.
Interest from July to November 97	22-14-3
	Rs 902-0-9
Amount paid by Mr. Lyall Bros for Mr. Evans for L. Nos 15+22	589-15-10
Balance due	312-0-2
Assessment for 1897-98	333-5-5
Do 1898-99	333-5-5
Total due	978-11-0

with interest upto date of payment from December 1897.

J. C. Lan
Deputy Commr
Kadur Dist.

OFFICE OF THE
5167
28 MAR 1899
DEWAN OF MYSORE

Fol 127

29

107

Subd 1st Councillor

1) The respt applis for an adjournment for a month

2) After orders are passed on this application, copies asked for by the respt will be prepared &

3) Should be heard
References also requested & hr Notices
letter S 23/3/99. 28/3/99

Mr Ogilvie Rao's reply is also filed &

10/4

Dep of Ex
a Sum
tion, &c

8/3

Ogilvie

a/r 4 to 5 hours/99
As directed in a Memo
on the 2nd instant
Mem dated —

Ogilvie

29.3.99

From

The Hon'ble
the Chief Secy.

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 28th March 1899

Despatched

Received

General No. 1167
No.

Enclosure No. 2 Govt Pleader's Letter

Forwarding a Petition with accompaniments, to be laid before the Council for Mysore, in the Suit of Venkata Subba Reddi

References to be marked.

Rec'd 28/3
Subd
Bch
28/3

108

No. 1400
412-98 - 2 Enclos: + Stamps fr
R. 1/5/-

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

Recd 27/3/99

TO

The Dewan of Mysore.

Dated Bangalore, 26th March 1899.

SIR,

I am directed to forward herewith a letter with enclosures noted in the margin addressed to the Secretary to the Govt of Mysore General and Revenue Departments, requesting Sanction to Administration to General Leave, to the Estate of the deceased Mr John Lyell.

I have the honor to be,
Sir,
Your most obedient Servant,

R. S. Hoskins
Lieut. Assistant Resident

P469

Administrator General's Office,

Madras 2/ March 1899.

109

Estate of John Sylk.

From

N. S U B R A H M A N Y A M,

Administrator General of Madras.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,

General & Revenue Departments,

Bangalore.

Sir,

I have the honor to return herewith, duly signed by me, a copy of the notice of appeal No.70 of 1897-98 ~~sent~~ sent to me by you, through the First Assistant to the Resident in Mysore, Bangalore. In accordance with such notice, I enclose herein postage stamps of the value of Rs 1-5-0 being 13 annas for copying fees, and 8 annas the value of a Court fee stamp (Mysore) and I request you to be good enough to send me a copy of the appeal herein.

I have also to request you to be good enough to adjourn the case for a month, so as to enable me to go through the case and appoint a Pleader or Advocate, if necessary, to represent me.

I have the honor to be,

Sir,

Your Obedient Servant,

Administrator General
of Madras.

L. R 101-97 110

NOTICE.

Enclosure 29

To The Administrator General, Madras.
(On behalf of Mrs Julia Elizabeth Carey deceased)

The appeal petition filed by Mr A. B. Ewart of Yercaud

against the decision of the Deputy Commissioner Kadur dated will be

heard on 29th March 1897 at 1 P. M.

at the Taluk office, Bangalore.

You are warned to appear in person or by recognized Pleader or Advocate.

A copy of the Appeal Petition will be sent to you on production of the copying fee of 12 annas and court fee stamp (Register) of 2 annas

By Order,

M Lyng Rao

for Chief Secretary.

OFFICE OF THE DEWAN OF MYSORE,
Dated 11th March 1897.

Rbw

Received ... 20 March 87.

Commissioner of Patents
Washington

OFFICE OF THE
10143
28 APR 99
RESIDENT IN MYSORE

Pol 1443

111

414

30

From The First Assistant to the Resident in Mysore

To Dewan

~~THE SECY. TO THE GOVT. OF~~ MYSORE,
GEN. & REV. DEPTS.

R 8230

Dated

Despatched 27/4/99

Received

General No. 1850

No. 412-98

Enclosure No. One

Forwarding letter No: P 585 dated the 17th instant, received from the Advocate General Madras, re the estate of John Sylk

---

References to be marked.

112.

No. 1350 Copy
412.98

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

LR 101-97
8280

To

The Dewan of Mysore.

Dated Bangalore, 27 April 1897.

SIR,

I am directed to forward herewith a letter No.P-585 dated the 17th instant addressed to the Secretary to the Government of Mysore, General and Revenue Departments, received from the Administrator General, Madras, re the estate of John Sylk.

I have the honor to be

Sir,

Your most obedient servant

K S Erskine Captain,

First Assistant Resident.

14.

113

P 585

Administrator General's Office,

Madras 17 April 1899.

19-4

Estate of John Sylk.

From

N. S U B R A H M A N Y A M,

Administrator General of Madras.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,

General & Revenue Departments.

Sir,

I have the honor to invite your attention to my letter to you of the 21st Ult, and to request an early reply thereto.

I have the honor to be,

Sir,

Your Obedient Servant,

Administrator General
of Madras.

114 8107.

No 1850/412-98

26.6.99.

From

The Secy to the govt of Bengal

To

The 1st Assistant to the

L.R 107-99 Resident in Mysore

8821

Sir,

With reference to your letter No 1850/412-98 of the 27th ultimo giving cover to letter No 1585 3.7th April 1898 from the Administrator General, Madras, I am directed to state that a notice together with a copy of the appeal petition has been sent to the Administrator General, as requested in his letter No P.169 of 22nd March 1899 received with your letter No 1443 of 24/3/99.

As the Admr G.l is a party on the record in Appeal No 70 of 97-98 pending before govt. to which the correspondence refers the notice has been sent to him direct.

Redraft

Mysore

for Secy.

OFFICE OF THE
10545
12 MAY 189
DEWAN OF MYSORE
No. 7062
Pet. 427

From The Administrator Kimedi

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

LR 101—97

Dated 10 May 97

Despatched 12 "

Received 12 "

General No. D. 759
No.

Enclosure No. —

Acknowledging the receipt of the orders of Govt. No. F. 64—98

Ret. 13/5/97

Recd 15/5.

References to be marked.

Administrator General's Office,

Madras 10 May 1899.

P759

116

Estate of John Sylk.

From

N. S U B R A H M A N Y A M,

Administrator General of Madras.

To

T H E S E C R E T A R Y,

to the Government of Mysore,

Bangalore.

Sir,

I have the honor to acknowledge the receipt of the notice of appeal No.70 of 1897.98 with an unauthenticated copy of the appeal petition sent by you, for which I am much obliged.

I have also received the 7 annas in postage stamps returned by you.

I have the honor to be,

Sir,

Your Obedient Servant,

N. Subrahmanyam

Administrator General
of Madras.

(33)

117 189

668

Pet 40.

From

V. Subbiah B.A. & L.B.
Advocate, Chief Court
Mysore

To

THE SECRETARY TO THE
GOVT. OF MYSORE,
REVENUE AND GENERAL DEPTS.

LR 104/97

Dated 8-3-97

Despatched

Received

General ~~No.~~
No.

Enclosure No. one petn with one annexure & warrant of allowance duly stamped.

Subg the petn from Messrs Arcot Narain samy Mooddiar & Co, their client relating to sale by Govt. of the property of late John Sylk (now deceased) mortgaged to the this client's firm aforesaid.

References to be marked.

Read 5-30
8/8.

H. LUBECK, B.A., LL.B.,
ADVOCATE, CHIEF COURT OF MYSORE.

Urgent 118

Chambers:
38, Infantry Road.

(Enclosures – the Petition with an annexure and Power of Attorney duly stamped.)

Bangalore 5th July 1899.

To
The Secretary to the Government of Mysore
Revenue and Revenue Department
Bangalore

Sir,

Re. Sale by Government of the property of Mrs John Sylk (now deceased) – Chijay Kuttay Coffee Estate – mortgaged to Messrs Arathoon Stephens & Co of Bangalore

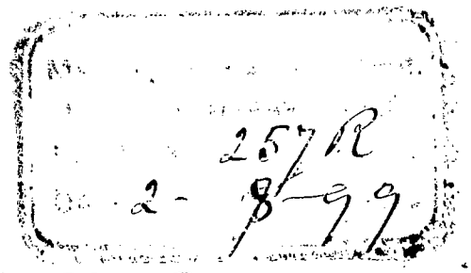
Under instructions from my clients Messrs. Arathoon Stephens & Co of Bangalore, I have the honour to submit herewith for the consideration of Government, my clients petition on the above subject.

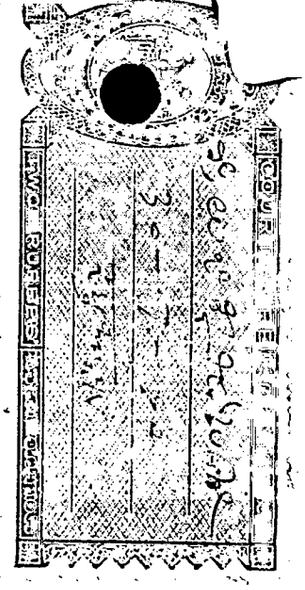
I am instructed that on the application of the interested parties – viz Messrs Evans, the purchaser at the Government Sale, and the Administrator General of Madras representing the Estate of Mrs John Sylk – the matter comes on for hearing before the Council on the 1st August 1899, when, as requested by my clients in their petition, I trust the enclosed petition will also receive consideration – after notice, as prayed for to Mr. A. C. S. Lawrence representing the said other interested parties. Your obedient servant

H. Lubeck

Jno A. Stamp's affidavit
mill

119





To

The Secretary to the
Government of Mysore
General and Revenue
Department, Bangalore

The humble Petition of
1) A. Narainsawmy Iyengar.
2) A. Mallegamalavalli Iyengar
3) A. Sundramoorthy Iyengar
carrying on business
under the firm name of
Messrs Arni Narainsawmy
Mudaliar & Co at the Mysore
Fair in the Civil and
Military Station of Bangalore

Respectfully Sheweth

1. That the property known as the
Nuggay Kutty Coffee Estate - situated
in Pilley Beeranakolly Village, Periyapatna
Taluk, Nuggur District in the Province
of Mysore and more particularly
described in the annexed schedule
was mortgaged by the Petitioners late
Father Syth, now deceased, to your
Petitioners

(1) Petitioners executed a duly registered Indenture of Mortgage bearing date the 2nd day of July 1903 for the amount of Rupees Eight lakhs agreed to be repaid within one year with interest at the rate of 9 per cent per annum

The said property was sold by (2) necessarily less than about Rupees Eight 2 That the said mortgage should be discharged

The original Indenture of Mortgage having been fraudulently by (3) Petitioners to the Administrator General of Madras who never represented the Estate of the deceased mortgagor (4) Petitioners prays leave to file a true copy thereof for perusal.

3. That (5) Petitioners pray humbly have reason aware of the fact that the said property have been attached and sold by Government for arrears of assessment due by the said Mortgagor and that the amount realized at the said sale was the comparatively paltry sum of Rupees 10[illegible] - - ; the purchaser being a Mr Evans, as (6) Petitioners are informed and believe

4. That if, as (7) Petitioners are informed and believe, the Government

demand

Bernard became due and the said
Sale took place during the lifetime
of the said Mortgagor, to the said
mortgagee acted fraudulently in
concealing the said matters from
Your Petitioners who were totally
ignorant of what has taken place
as above alleged to their prejudice.

If Your Petitioners had been informed
or aware of the intended sale, for
arrears due to the Government they
would certainly have paid the
amount due and preserved their
lien on the said property.

5. That Your Petitioners are
informed and believe that certain
matters connected with the said
sale are now before the Government
under consideration, at the instance
of the said purchaser or the Administrator
General of Lands, and that the hearing
of the Petitioners pleas in connection
therewith have been posted for hearing
to the 4th August next.

Your Petitioners have further
learned that the Deputy Commissioner
of the District, has strongly opposed
to sanction or confirm the sale for
reasons that Your Petitioners have yet
to learn.

6. That if the said sale be confirmed
by Government Your Petitioners would
lose

Case that said Mortgage claim should
prove insufficient to discharge the
Debts, & principal residence of said
Heal have accrued due.

7. That Your Petitioners trust and
hope that the Government, on the
Exercise of all the principles of
Equity and Justice, will not suffer
the said sale to the prejudice of Your
Petitioners.

Wherefore Your Petitioners
humbly pray.

1) That their said Petition may
be received and considered
by Government for connection
with the other proceedings &
petitions of the said Petitioners
& Mr Evans - and the Advocate
General, Madras,

2) That notice of this Petition
may be given to the Ld's
Insurance, the Local Mahomedan
of the said other parties by
the Petitioners & Mr Evans and
the said Advocate General,

3) That the said sale may be
set aside and that the
mortgage claims of Your Petitioners
(who are ready and willing
to pay all arrears of Insurance
due and also future Premiums
that may fall due until the

said

Said claim be adjusted & allowed

And Your Petitioners as in duty bound

Will Ever Pray

Dated Bangalore
31st July 1899.

M. Ubeck
Petitioners Advocate

Schedule

All that piece or parcel of land or Coffee Estate known as Survey number 25 twenty six situated in the Village of Pilicoy Peramadaly in the said Dº Pariahary in the Eastern District of Mayawe and containing 11 eleven acres and fifteen guntahs together with all the said trees and appurtenances thereto attached and pertaining, part of the Coffee Estate known as the Mujjay Kandy or Ekanaikanaare Sagar Coffee Estate and bounded on the North East and West by Survey Number Sixteen M on the South by Survey Number twenty three 23 and twenty seven Dº belonging to the said

B. Vengadachalam

A. Sundrammathy

Petitioners

(Copy) 125

This deed of Mortgage made the 1st day of July 1895 by John Sylk of the Vijjay Kuttay Coffee Estate in Mysore hereinafter called the Mortgagor which term shall be held in these presents to include his heirs executors administrators and assigns between himself and Messrs Arcot Narainswamy and Co: of the Mysore Hall, Bangalore and which Company or Firm is hereinafter called the Mortgagee which term shall be held to include in these presents the heirs executors, administrators and assigns of the said firm Witnesseth that in consideration of the Sum of Five thousand 5000 rupees only paid by the Mortgagees to the Mortgagor the receipt whereof the Mortgagor doth hereby acknowledge, He the said mortgagor doth hereby Covenant and agree to repay to the said Mortgagee the said Sum of five thousand 5000 Rupees with interest at ten 10 per centum per annum within One 1 year from the date of these presents And for the better Securing of the said Sum of five thousand 5000 rupees and all interest as aforesaid he the Mortgagor doth hereby grant Convey assign and Mortgage to the Mortgagee but without possession all that piece or parcel of land or Coffee Estate known as Survey number

number 26 twenty-Six situated in the Village of Pillay Beeranhilly in the taluk of Tarrikere in the Kadur District in Mysore and measuring eleven 11 acres and nineteen 19 goontas together with all the Out offices and appurtenances thereto attached and forming part of the coffee estate known as the Vijjay Kuttayer Hanoomaa Sugar coffee estate and bounded on the north east and West by Survey numbers Sixteen 16 on the South by Survey numbers twenty three 23 and twenty Seven 27 belonging to the Porter and together with the coffee crops now standing or that may hereafter be raised on the said property and all the right title and interest whatsoever of the Mortgagor in the said land buildings appurtenances and crops provided always that if the mortgagor shall repay the principal Sum of money and interest as aforesaid then and in such case the mortgagee shall reconvey the said land buildings and crops hereby mortgaged into the mortgagor free from all and any incumbrances whatsoever that may be created by the Mortgagees to have and to hold the said land buildings appurtenances and crops unto the Mortgagor and the Mortgagee further agrees and binds himself to pay all the assessment Government rates taxes and dues during the continuance of this

Security

Security and that on default made by him on such payment the Mortgagee shall be at liberty to pay the same and to charge such payment on the premises and crops hereby mortgaged and to include all such payments in the present Security and that subject to all the conditions and covenants herein contained.

In witness whereof the mortgagor has hereunto set his hand and seal the day and year first above written.

Signed Sealed and delivered by the Mortgagor John Sylk in the presence of } John Sylk

1. J.C.S. Lawrence
2. M. Venceba Roa
HD. Clerk

Presented on the 1st July 1895 at 3.10 P.M. in the office of the District Registrar of Bangalore by the undersigned.

Signed / John Sylk.

The undersigned admits the execution of the document.

Signed / John Sylk.

The Executant Mr. John Sylk is well-known to

to Mr J. C. S. Lawrence who certifies in my presence
to the ~~and~~ identity of the Executant and Signs
this endorsement as identifying witness

Sd/ J. C. S. Lawrence,
Advocate

Sd/ B. A. Burnaigue
District Registrar 1st July 1895

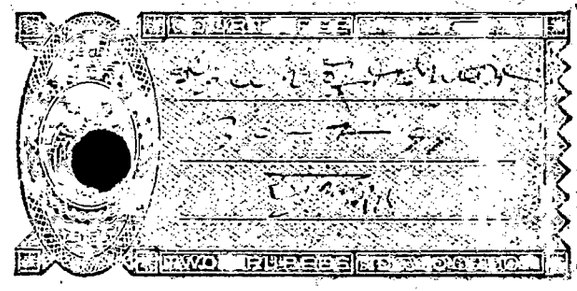
Registered as No: Book I Vol: XVIII F. P. 1140-1143.

Fees received Rs 25-4-0.
19th July 1895.

Sd/ B n. Burnaigue
Registrar

True copy
S. Nadesiwary
28-Jul-99

129



Before Secretary to the Government
In the Court of the District ~~Judge~~ of Mysore
General and Revenue Departments
Civil & Military Station, Bangalore.

Civil No. of 189 .

Messrs. T. Narasimhamurthy Iyer & Co. ~~PLAINTIFF.~~ Petitioners
and two others (Messrs. A. Narasimhamurthy & Co.)
versus
~~DEFENDANT.~~

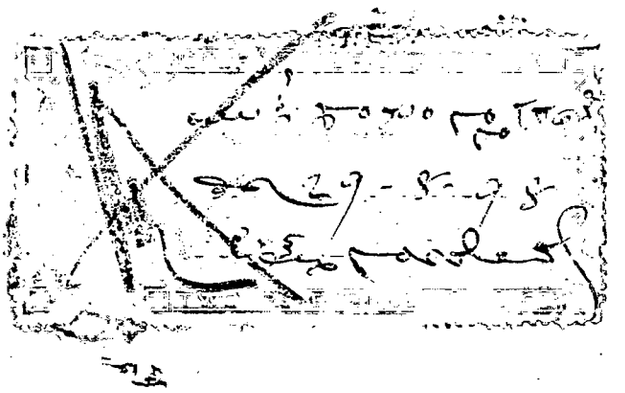
We Messrs. A. Narasimhamurthy & Co. the Petitioners above named do hereby nominate and appoint H. LUBECK, Esquire, B.A., LL.B., to be our Advocate in the above ~~suit or~~ matter and we do hereby empower our said Advocate to appear for and on our behalf in the above suit or matter, to take all and any steps which may be necessary on our behalf arising out of or in connection with the above ~~suit or~~ matter either during its progress or after its decision; to sign, and subscribe his name to any document which he may deem proper; to execute any decree that may be passed in my favor; to receive out of the said Court any sum or sums of money and document or documents which may be lodged or become payable or receivable on our behalf and on receipt thereof to grant receipts or other sufficient discharges for the same; to withdraw, compromise, or refer to arbitration the said suit or matter to appoint one or more substitute or substitutes and to act and perform all other matters relating to or connected therewith; to represent us in all matters relating to the same and to act in the premises as fully and effectually to all intents and purposes as we could or might do if personally present and did the same; And we do hereby agree to pay all Fees, Costs, Charges, and Expenses which may be incurred and to allow, ratify and confirm all and singular whatsoever our said Advocate shall lawfully do or cause or procure to be done in the premises by virtue of these Presents. **In Witness** whereof We have hereunto set our hand this 1st day of August in the year 189 9.

T. Narasimhamurthy Iyer & Co.
A. Narasimhamurthy & Co.

Accepted
H. Lubeck
Advocate

Witness.

Presented before Council 12/8/98.



IN THE COURT OF THE COUNCIL OF REGENCY OF MYSORE.

Appeal No.70 of 1897-98.

Howard Brindsley Evens---------- Appellant.

N. Subrahmanyam, Administrator
General of Madras and as such
the administrator of the estate
of the late John Sylk---------- Respondent.

I, the Appellant herein do hereby appoint and nominate Mr John C.S.Lawrence, Gentleman, Advocate residing at Bangalore to appear on my behalf and in my name to present and the Razeenámah signed by me/ the Respondent in the appeal herein to the Court of the Council of Regency, Mysore.

Witness

William W. Higgett (P. Carter)
Shevaroy Hills.
22/8/98

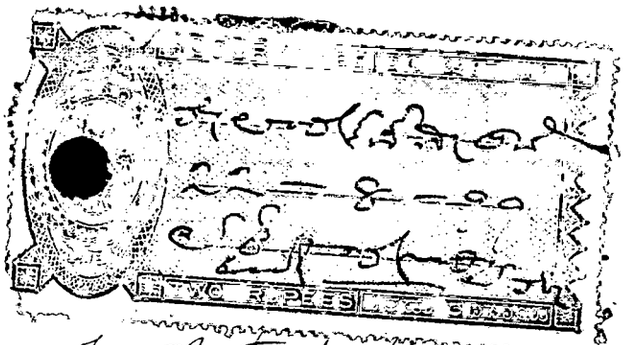
Howard B. Evans.

Presented before Council 24/8/99

459
24.8.99

(34)

131



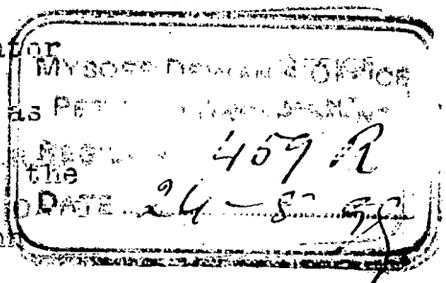
IN THE COURT OF THE COUNCIL OF REGENCY OF MYSORE.

Appeal No.70 of 1897-98.

L.R 101-97 & no 34

Howard Brindsley Evans---------- Appellant.

V/S Subrahmanyam, Administrator General of Madras and as such administrator of the estate of the late John Sylk deceased---------- Respondent.



We Howard Brindsley Evans, the Appellant, residing at Yercaud and Narayanaiyer Subrahmanyam Administrator General of Madras and as such the administrator of the estate and effects of the late John Sylk, residing at Madras, the respondent herein do consent that the appeal No.70 of 1897-98 be dismissed and that no order be made as to costs.

20 July 1899.

Howard B. Evans.

Subrahmanyam
Administrator General of Madras
and as such Administrator
of the estate &c. of the late
John Sylk deceased. Respdt.

Thos Ramsamy
Advocate for both
parties 22/8/99

(39)

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Proc. of the Govt. of Madras

Applicant
H.B. Evans
by Advocate
Mr. J.S. Lawrence

Respondent
John Sylk
deceased
by the Administrator
Govt. Madras
by Advocate Mr. J.S.
Lawrence.

L.R. 101-97
8235

Interpleader claimants
Messrs. A. Narrainswamy Mudr
& Co. by Adv: Mr. H. Cutbeck

Read:-

Petition of appeal, No. 2066 of
AS70
97-98 presented by Mr. H.B.
Evans of Yercaud, Madras
Presidency, against the order
of the Dy Commr, Kadur Dist.
cancelling the sale of the marginally
noted lands of Pittavirandah
village, Sankeri Durg, held
for the recovery of the arrears
of revenue due thereon by the
deceased respondent.

(2) Correspondence ending
with docket No 2869 of 15-12-98
from the Dy Commr Kadur
Dist., and the records received
therewith.

(3) Petition No 257 of 31-1-99
received from Messrs A.
Narrainswamy Mudr & Co

10 - 9
" - 20
" - 10
" - 11
" - 12
" - 13
" - 14
" - 21

by their advocate Mr B. Lobeck representing that S.No 26 of the above village which together with the bungalow thereon had been mortgaged to them for ~~Rs~~ 5000/- was sold without their knowledge for a very low price and praying that the sale may not be confirmed.

(4) Rejoinder dt 26-7-99 presented on 22-8-99 by Messrs W.B. Evans and N. Subramanyam, the Appt's Respt's respectively in the above appeal, through their advocate Mr J.C.S. Lawrence requesting that this appeal to be dismissed and that no order be made as to costs

---

Order

In accordance with the Rejoinder in the petition referred to above, the Court noted that this appeal be dismissed. There will be no order as to costs

2. The appeal is dismissed

2077 / 27 34 of 98 — 7-6/7/99

243

and the orders of the day
(annexure 'compliance') stands
good, no orders are called
for on the petition presented
by Mr Lubechi on behalf of
Messrs A Karaiswain & Mahtr
& Co.

3. The Dy Commr will in
due course proceed to recover
the arrears on the lands in
question unless paid up
by the parties concerned
within the period fixed
by him and intimated to them

Draft
C, & C2

Dy Secretary

5/9/99

To
The Dy Commr Kadur Dist
with records

6-9-99

(38) 135 6-9-99

No. 257

L.R. 101-97 & 286

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 6 September 1899

ENDORSEMENT GRANTED TO A. Ramanarayana Gundalia & Co by their Agent Mr A. Lubeck.

in reply to their Petition Registered No. 257 dated 31st July 1899.

representing that L. No 26 of Pillaipanahally Taluk Tk. village, which together with the bungalow thereon had been mortgaged to them for Rs 5000 was sold without their knowledge, for a new loan, and praying that the sale may not be confirmed.

Petitioner is informed that the appeal of Mr A. R. Ramanarayana & Govt has been dismissed in accordance with the terms of the Kaziyarnama filed by both the Appellant and the Respt & the order of the Deputy Commissioner stands good no orders are called for on the petition of Mr Lubeck on behalf of Messrs A. Ramanarayana Gundalia & Co.

By Order,

For Secretary.

Note The endorsement should be sent to Mr A. Lubeck.

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(37) 186. 2080 of 1898-99
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L.R. 10 No. 2066 16.5.70

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MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 6 September 1899

ENDORSEMENT GRANTED TO M.A.K. Ervad of Jeeraud, Madras Presidency, ~~by the Secretary~~ by Mr. Advocate J. C. Lawrence

in reply to his Petition Registered No. 2066 dated 14th February 1898

A.S. 610

appealing against the order of the Dy. Commr. Kadur District cancelling the sale of S. Nos 9, 26, 1 to 4 and 2 of Pillakiranahalli, Tarikere Taluk, held for the recovery of the arrears of revenue thereon by the late Mr. John Lyle.

Petitioner is informed that in accordance with the Razinama petition filed by both the Appellant and the Respondent the appeal to Govt has been dismissed. There will be no order as to costs.

Copy of the above is forwarded to the Advocate Genl, Madras for information.

By Order,

For Secretary.

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5/9/99.